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# COBBETT'S

# Parliamentary History

OF

# ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066.

TO

THE YEAR, 1803.

*FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,*

*"COBBETT'S PARLIAMENTARY DEBATES."*

VOL. I.

COMPRISING THE PERIOD FROM THE CONQUEST IN 1066,

TO THE DEATH OF KING JAMES THE FIRST,

IN THE YEAR 1625.

LONDON:

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*October* 1806.

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# PREFACE.

WHOEVER has had frequent occasion to recur to the Proceedings in Parliament, of former times, must have experienced those difficulties which it is the object of the present Work to remove. Merely to find the several works wherein is contained an account of the Parliamentary Proceedings, is, at this day, no easy matter; some of them being very scarce, and others excessively voluminous. Hardly any of them, those of the last twenty years excepted, are to be purchased regularly at the Booksellers. The far greater part of them are to be come at by accident only; and, of course, sometimes not to be obtained at all. But, supposing them all to be at hand, the price of them is no trifling object; and, in many cases, must present a difficulty not to be easily, or, at least, willingly, surmounted. Of these works, taken in their chronological order, the first is, "The Parliamentary or Constitutional History," in Twenty-four Volumes; the second, "Sir Simonds D'Ewes's Journal of Queen Elizabeth's Parliaments;" the third, "Proceedings and Debates of the House of Commons in 1620 and 1621, collected by a Member of that House, and published from his Original Manuscript in the Library of Queen's College, Oxford," in Two Volumes; the fourth, "Chandler's and Timberland's Debates," in Twenty-two Volumes; the fifth, "Debates of the House of Commons, from the year 1667 to the year 1694, collected by the Honourable Anchitell Grey, Esq., who was thirty years Member for the town of Derby," in Ten Volumes; the sixth, "Almon's Debates," in twenty-four Volumes; and, the seventh, "Debrett's Debates" (now in the hands of various Booksellers) in Sixty-three Volumes. These works are not to be purchased, if to be purchased at all, under One Hundred and Ten Pounds sterling. But still, with all these, the information wanted is very imperfect, without perpetually having recourse to the Journals of the two Houses, which Journals occupy upwards of a hundred volumes in folio: so that the price of a complete set of the works, in this way, cannot, upon an average of purchases, be reckoned at less than One Hundred and Fifty Pounds.

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These difficulties surmounted, another, and a still more formidable obstruction to the acquiring of information is found, not merely in the number and the bulk of the volumes, but also in the want of a good arrangement of the contents of most of them; and, further, in the immense load of useless matter, quite unauthentic, and very little connected with the real Proceedings of Parliament, to be found in many of them. In the first-mentioned Work, we find a narrative of battles, sieges, and of domestic occurrences. The real Proceedings of Parliament form but a comparatively small proportion of it; whole pamphlets of the day, and very long ones, being, in many places, inserted just as they were published and sold; and, when we come down even to the Debates by Almon and Debrett (taking in Woodfall and others occasionally), we find, that, in numerous instances, three-fourths of the volume consists of Papers laid before Parliament, of mere momentary utility, repeated in subsequent and more correct statements, and now nothing but an expence, and, what is much worse, an incumbrance to the reader, and a constantly intervening obstacle to his researches; to which may be added, with respect to all the Debates from Almon's inclusive, downwards, that there is a total want of all that aid which is afforded by well contrived Running Titles, Tables, and Indexes, and which is so necessary in every voluminous work, particularly if it relate to the transactions of a long series of years.

With a view of removing all these difficulties, and of putting the Public in possession of a History of the Proceedings in Parliament, from the Norman Conquest to the year 1803, (when the Work entitled, "Cobbett's Parliamentary Debates" commenced) as complete as that which has met with such general approbation in the last-mentioned Work, the present publication is undertaken. The Sixteen Volumes, of which the Work will consist, and the first of which is now presented to the Public, will be printed in the same form and size as those of the "Parliamentary Debates," with this difference only, that the character of this Work, which has been cast expressly for the occasion, will, in the same compass, introduce one-fifth more of matter. When, therefore, it is recollected, that so large a part of the several Works above enumerated, is taken up with matter, as before described, wholly unconnected, or having but a very remote connection, with the Proceedings in Parliament, and entirely destitute of authenticity; when

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it is recollected also, how much room is saved by the abbreviation of words descriptive of titles and of constantly-occurring phrases of courtesy, the reader will not be surprised, that the whole of the Authentic and Useful Records of the Proceedings of the Parliament of England, of that of Great Britain, and of that of the United Kingdom, down to the year 1803, will be comprised in the Sixteen Volumes of this Work, which will, upon the best computation that can be made, contain as much print as One Hundred and Forty common octavo volumes.

The present Volume, comprising the period from the Conquest to the Death of James the First, has been compiled principally from the Records, the Rolls of Parliament, the Parliamentary or Constitutional History, and from the most reputable English Historians. From the Reign of Henry the Eighth inclusive, we have the additional aid of the Journals of the House of Lords; and from that of Edward the Sixth, that of the Journals of the House of Commons. Sir Simonds D'Ewes' Journal of Queen Elizabeth's Parliaments, has been diligently consulted, and the Debates of the House of Commons in the years 1620 and 1621, published from the Manuscript in the Library of Queen's College, Oxford, have been carefully incorporated, under their respective dates. The State of the Peerage, and Lists of the Members of the House of Commons have, from time to time, been given: and at the close of the Parliamentary History of each reign, will be found Lists of the Public Acts passed; together with an account of the Taxes imposed, of the Supplies, of the State of the Revenue, and of the Value of Money in relation to the Price of Provisions.

To the Volume is prefixed a copious Table of Contents, and a variety of useful Lists of the Persons who have filled the several high Offices of the State from the Conquest down to the Death of James the First. It was originally intended to give an Index to each Volume; but, at the suggestion of several eminent literary persons, it has been determined to undertake A GENERAL INDEX of the whole Work, which will be constructed upon the excellent Plan recommended by the Committee of the House of Commons in 1766, and afterwards adopted by the persons employed to make out the Indexes to the Journals; which General Index will, of course, be contained in the Volume with which the Work will close.

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In a Work of this nature, the utmost impartiality is justly expected; and it is with confidence presumed, that a careful perusal of the following pages will convince the reader, that that impartiality has been strictly and invariably adhered to. Nothing has been inserted without due authority; and, as the object has been, not so much to dive into matters of Antiquity, as to preserve what was really useful, many things have been omitted which would have swelled the bulk of the work, without adding to its usefulness. Nothing, however, has been left out, which was not judged to be spurious or not agreeable to the design of such a Collection; nor any thing added, merely on account of its being favourable to the reputation or the doctrines of any party whatever. In short, whatever appeared to have been actually said or done, in either House of Parliament, that had any tendency to what ought to be the chief object of such a publication, has, as far as authentic materials could be procured, been recorded with scrupulous fidelity.

It would be improper to conclude, without returning thanks to the several Noblemen and Gentlemen, who have obligingly offered the use of their valuable collections, some of which have already been found to be of great advantage to the undertaking, and others will, in the course of the work, be applied for and gratefully received. The many judicious suggestions, which have, from various quarters, been communicated, have been, and in future will be, carefully attended to; and, it is hoped, that the execution of the Work will prove that no pains, of any kind, have been spared to render it equal to that expectation, which, with respect to the manner as well as the matter of it, has evidently been conceived by no inconsiderable part of the well-informed men in this kingdom.

With the literary aid which the Compiler has received, the Public has, perhaps, strictly speaking, little to do; but, he cannot, for one hour, exist under the idea, that the whole of the merit, whatever it may be, should be ascribed to himself, to the exclusion of the invaluable talents and exertions of the Gentleman, who is his principal assistant, and upon whom no small share of the execution has devolved.

*Botley, October* 1806. WM. COBBETT.

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# PARLIAMENTARY PAPERS,

CONSISTING OF

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1070 St. Lanfrane, Abbot of Caen, an Italian. He removed Bishops sees from small towns to large cities.
[The see vacant four years.]
1093 St. Anselm, Abbot of Becco. Died in 1109.
[The see vacant five years.]
1144 Rodulphus, translated from Rochester.
1122 William Corbois, or Corbel, Prior of St. Osyth, in Essex.
1138 Theobald, Abbot of Becco.
1162 St. Thomas Beckett, Archdeacon of Canterbury, Provost of Beverley, and Lord Chancellor.
1173 Richard, Prior of Dover.
1184 Baldwin, translated from Worcester.
1191 Reginald Fitz Joceline, translated from Wells.
1193 Hubert Walter, translated from Salisbury, Lord Chancellor and Chief Justice.
1207 Stephen Langton, Cardinal.
1228 Rd. Wetherhead, Chancellor of Lincoln.
1234 St. Edmund, Treasurer and Prebendary of Salisbury.
1244 Boniface of Savoy, translated from Valentia, in Provence, uncle to the Queen.
1272 Robert Kilwarby, Provincial of Friars Minors, Cardinal.
1279 John Peckman, Canon of Lyons, Provincial of Friars Minors.
1294 Robert Winchelsey, Archdeacon of Essex, Chancellor of Oxford
1313 Walter Reynold, translated from Worcester, Lord Chancellor, and Lord Treasurer.
1327 Simon Mapham, Prebendary of Chichester.
1333 John Stratford, translated from Winchester, Lord Chancellor.
1348 John Ufford, Dean of Lincoln, Lord Chancellor.
1349 Thomas Bradwardin, Chancellor of London.
Simon Islippe, Prebendary of St. Paul's, Secretary to the King, and Keeper of the Privy Seal.
1366 Simon Langham, translated from Ely, Cardinal and Lord Chancellor.
1368 William Wittlesey, translated from Worcester.
1375 Simon Sudbury, translated from London, Lord Chancellor. Beheaded by the rebels under Wat Tyler.
1381 Wm. Courtney, translated from London, Chancellor of Oxford.
1396 Thomas Fitz-Alan, (son to the Earl of Arundel), translated from York, Lord Chancellor.
1414 Henry Chicheley, translated from St. David's.
1443 John Stafford, translated from Bath and Wells; Cardinal, Lord Chancellor, and Lord Treasurer.
1452 John Kemp, translated from York; Cardinal, and Lord Chancellor.



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1454 Thomas Bourchier, translated from Ely; Cardinal, Lord Chancellor, and Chancellor of Oxford.
1486 John Morton, translated from Ely; Cardinal, Lord Chancellor, and Chancellor of Oxford.
1501 Henry Dene, translated from Salisbury.
1504 William Warham, translated from London; Lord Chancellor, and Chancellor of Oxford.
1532 Thomas Cranmer, Archdeacon of Taunton; burnt.
1555 Reginald Pole, Dean of Exeter; Cardinal, and Chancellor of Oxford.
1559 Matthew Parker, Dean of Lincoln.
1573 Edmund Grindal, translated from York.
1585 John Whitegift, translated from Worcester.
1604 Rich. Bancroft, translated from London.
1611 George Abbot, translated from London.

## VIII.—LIST OF THE LORD HIGH CHANCELLORS OF ENGLAND, FROM THE YEAR 1067 TO THE DEATH OF JAMES I. 1625.

1067 Maurice, afterwards Bishop of London.
1073 Osmund, afterwards Bishop of Salisbury.
Arfastus, Bishop of Helmham.
1077 Baldric.
Herman, Bishop of Sherborn.
William Velson, or Wilson, Chaplain to the King.
1078 William Giffard, afterwards Bishop of Winchester.
1088 Herbert Losinga, Bishop of Norwich.
Robert Bluit, or Bloet, afterwards Bishop of Lincoln.
1098 Ranulph Flambard, Bishop of Durham.
William Giffard, aforesaid.
Roger, afterwards Bishop of Salisbury.
1101 Waldric.
1103 William Giffard, again.
Herbert.
1104 Roger, Bishop of Salisbury.
1107 Geoffrey Rufus, afterwards Bishop of Durham.
Ranulph, or Arnulph.
1116 Richard, a Chaplain, was Keeper of the Seal, under Ranulph.
Reginald, Prior of Montacute.
Thomas.
1123 Godefridus, Bishop of Bath and Wells.
Roger, Bishop of Salisbury, again.
1128 Galfredus Rufus, Bishop of Durham.
1133 Alexander, Bishop of Lincoln.
1136 Roger Pauper, the son of Roger Bishop of Salisbury.
William Fitz-Gillebert.
William de Veer, constituted by the Empress Maud.
1138 Alexander.
1153 Philip.
Robert de Gant.
Reginald, Abbot of Walden.
1157 Thomas Becket, afterwards Archbishop of Canterbury.
John.
1173 Radulph de Warneville, Sacrist of Roan, and Treasurer of York.
1181 Geoffrey, natural son to King Henry II. and Bishop of Lincoln.
1182 Walter de Constantiis, Archdeacon of Oxford, afterwards Bishop of Lincoln, and Archbishop of Ruan.
Walter de Bidun.
1189 William de Longchamp, Bishop of Ely, the Pope's Legate, &c. Deprived of his office in 1191.
Richard Nigellus, Bishop of London.
1191 Geoffry Plantagenet, Archbishop of York.
Walter, Archbishop of Roan.
Malus Catulus, or Mau-Chien, Keeper of the Seal.
1198 Eustace, Bishop of Ely.
1199 Hubert Walter, Archbishop of Canterbury.
1202 Richard de Marisco, Archdeacon of Northumberland.
1204 Simon, or Hugh, Archdeacon of Wells.
Hugh de Wells, Archdeacon of Wells, afterwards Bishop of Lincoln.
1205 Walter de Gray, afterwards Bishop of Chester and Worcester, and Archbishop of York.
1209 Hugh Wallis, or de Wells, Bishop of Lincoln.
1212 Richard de Marisco, aforesaid. He delivered back the Seal to the King, Oct. 19, 1213.
1213 Ralph de Neville, made Keeper of the Seal under Peter de Roche, or de Rupibus, Bishop of Winchester.
1223 Richard de Marisco, Bishop of Durham.
1226 Ralph de Neville, Bishop of Chichester, made Chancellor for Life by the Parliament, Feb. 12.
1232 He is also made Chancellor of Ireland for Life.
1238 The King takes the Great Seal from him, by his own prerogative, and delivers it to Geoffry, a Templar, his brother, and John de Lexintune; but Ralph had still the profits of the Chancellorship.
Hugh de Patteshull, Canon of St. Paul's.
1239 Simon, a Norman, Keeper of the Seal. He is banished the Court; and
1242 Richard Grosse, or Grasse, Abbot of Evesham, is made Keeper in his room; but being elected Bishop of Li chfield, he resigns the Seal; and
John de Lexintune, is again appointed Keeper.
1244 Ralph de Novoville.
1246 Ralph Briton, Chancellor or only Keeper.
Silvester de Eversden, Bishop of Carlisle, Keeper.
1247 William Button, Bishop of Bath and Wells
John de Lexintune, Keeper. Sept. 18.
John Mansel, Keeper, he was at the same time Chancellor of St. Paul's.

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1248 John de Lexintune, appointed the fourth time Keeper.
1249 John Mansel, again. He was then Provost of Beverly.
Ralph de Diceto.
1250 Peter de Rievallis, and William de Kilkenny, afterwards Bishop of Ely, Keepers.
1254 Henry de Wenham, or Wingham, afterwards Bishop of Winchester and London.
1258 Walter de Merton. Deprived the same year by the Barons.
Nicholas, Archdeacon of Ely.
1261 Walter de Merton, restored, with a yearly salary of 400 marks.
1263 Nicholas de Ely, Archdeacon of Ely, Keeper.
1264 John de Chishull, or Chesel, Archdeacon of London, and Treasurer, Keeper.
1265 Thomas de Cantilup. He had 500 marks granted him, for the maintenance of himself, and the Clerks of the Chancery; afterwards Bishop of Bath and Wells. March 16.
1266 Walter Giffard, Bp. of Bath and Wells.
1267 Galfridus Giffard, Bishop of Worcester.
1269 John de Chesel, or Chishull, Dean of London, Keeper.
1274 Walter de Merton, Bishop of Rochester.
Robert Burnel, Archdeacon of York, Keeper of the Great Seal, afterwards Bishop of Bath and Wells. In 1286 he attended the King into France, and carried the Great Seal with him.
1292 Walter de Langton, Keeper.
1293 John de Langton, afterwards Bishop of Ely.
1299 John Salmon, Bishop of Norwich.
Markeus, Bishop of Man.
John Drokensford, Keeper.
1302 William de Greenfield, Dean of Chichester, afterwards Archbp. of York. September 30.
1305 William de Hamelton, Dean of York. January 16.
1307 Ralph de Baldoc, or Baudake, Bishop of London.
John de Langton, Bishop of Chichester before mentioned.
William de Melton, and two others, made Keepers of the Seal pro tempore.
1312 Walter Reginald, or Reinalds, Bishop of Worcester, and afterwards Archbishop of Canterbury.
1315 John de Sandal, afterwards Bishop of Winchester.
1317 William de Melton, Archbishop of York.
1318 John de Hotham, Bishop of Ely.
1320 John Salmon, Bishop of Norwich.
William Airemine, or Ayrmine, afterwards Bishop of Norwich, Keeper.
1323 John Stratford, Bishop of Winchester.
Ralph de Nevill.
1324 Robert Baldoc, Archdeacon of Middlesex, afterwards Bishop of Norwich. August 20.
1326 William Airemine, Bishop of Norwich, Keeper.
1328 John de Hotham, Bishop of Ely, Keeper. January 28.
1329 Henry Cliff, and William de Harleston, Keepers. March 1.
Henry de Burghersh, or Burghwash, Bishop of Lincoln. May 12.
1331 John de Stratford, Bishop of Winchester, afterwards Archbishop of Canterbury. November 28.
1334 William de Melton, Archbishop of York, Keeper. He delivered it, January 6, into the custody of Henry de Ednestow, Thomas de Bawnburgh, and John de St. Paul.
1335 John de Stratford, again. His brother Robert de Stratford was his deputy. April 6.
Richard de Aungervile, alias Bury, Bishop of Durham. September 28.
1336 John de Stratford, again. June 6.
1338 Rt. de Stratford, Bp. Elect of Chichester.
1339 Richard de Bynteworth, Bishop-Elect of London. July 6.
1340 John de St. Paul, Michael de Wath, Thomas de Baumburgh, Keepers of the Great Seal. December 8.
1341 John de St. Paul, Master of the Rolls, Keeper.
John de Stratford, Archbishop of Canterbury, Chancellor for the fourth time. April 28.
Robert de Stratford, Bp. of Chichester.
About this time King Edward III. took a resolution not to give the custody of the Great Seal any more to clergymen; whereupon,
Sir Robert Burgchier, or de Bourchier, was made Chancellor, December.
1342 Robert Parning. October 27.
1344 Robert de Saddington. September 29.
1346 John de Efford, or Ufford, Dean of Lincoln. October 26.
1347 John de Thoresby, successively Bishop of St. David's, Worcester, Archbishop of York, and a Cardinal. July 2.
1356 William de Edington, Bishop of Winchester. February 19.
1363 Simon de Langham, Bishop of Ely. He was also Abbot of Westminster, Archbishop of Canterbury, and Lord Treasurer. February 19.
1368 William de Wickham, Bishop of Winchester. September 17.
1372 Sir Robert de Thorp, Knight. March 26.
1373 Sir John Knyvet. July.
1375 Thomas de Arundel, Bishop of Ely.
1377 Adam de Houghton. Jan. 13.
Sir Richard le Scrope, Knight. October.
1380 Simon de Sudbury, Archbishop of Canterbury. Beheaded by the rebels under Wat Tyler, January.
1381 William de Courtney, Bishop of London.
1382 Sir Richard le Scrope, Knt. November.
1383 Robert de Braybrook, Bishop of London. September 20.



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1383 Sir Michael de la Pole. March 13.
1387 Thomas de Arundel, Bishop of Ely, afterwards Archbishop of York and Canterbury. October 24.
1389 William of Wickham, Bishop of Winchester. May 4.
1392 Thomas de Arundel, again.
1395 Edmund Stafford, Bishop of Exeter.
1400 John de Scarle, or Serle. November 15.
1401 Edmund Stafford, Bishop of Exeter.
1404 Henry Beauford, or Beaufort, Bishop of Lincoln, afterwards Bishop of Winchester, and a Cardinal.
1405 Thomas Langley, Bishop of Durham.
1407 Thomas de Arundel, Archbishop of Canterbury. January 30.
1410 John Walkering, Master of the Rolls, Keeper. Jan. 19.
Sir Thomas Beaufort, the King's brother by Catharine Swinford. January 31.
1412 Thomas de Arundel, Archbishop of Canterbury.
1414 Henry de Beaufort, Bishop of Winchester.
1417 Simon Garnstide, Master of the Rolls. Keeper from Sept. 4, to Oct. 12.
Henry Beaufort, Bishop of Winchester.
1418 Thomas Langley, Bishop of Durham.
1424 Henry Beaufort, Bishop of Winchester. July 16.
1426 John Kemp, Bishop of London. March.
1430 Marmaduke Lumley, Bishop of Carlisle.
1432 John Stafford, Bishop of Bath and Wells, afterwards Archbishop of Canterbury. February 28.
1433 John Frank, Keeper. April 22.
1443 John Stafford, Archbishop of Canterbury, and a Cardinal.
William Paten, alias Wainfleet, Bishop of Winchester.
1450 John Kemp, Archbishop of York, afterwards Archbishop of Canterbury, and a Cardinal.
1454 Richard Nevil, Earl of Salisbury. Made by Parliament, April 2.
1455 Thomas Bourchier, Archbishop of Canterbury. March.
1457 William de Wainfleet, Bishop of Winchester. Oct. 11.
1460 George Nevil, Bishop of Exeter, afterwards Archbishop of York. July 25.
Sir John Fortescue.
George Nevil, Bp. of Exeter, aforesaid.
1467 Robert Kirkham, Keeper.
1468 Robert Stillington, Bishop of Bath and Wells. June 8.
1473 Henry Bourchier, Earl of Essex.
Laurence Booth, Bishop of Durham.
1475 Thomas Rotherham, alias Scot, Bishop of Lincoln, June 5, afterwards Archbishop of York.
John Alcock, Bishop of Rochester, Keeper during the Chancellor's absence beyond sea.
Laurence Booth, Bishop of Durham.
1478 John Morton, Bishop of Ely, Master of the Rolls, afterwards Archbishop of Canterbury, and a Cardinal.
1484 John Russell, Bp. of Lincoln. Nov. 26.
1485 Thomas Barrow, Master of the Rolls, Keeper. August 1.
Thomas Rotherham, alias Scot, Archbp. of York.
1486 John Alcock, Bishop of Ely. March 1.
John Morton, Archbishop of Canterbury. August 8.
1501 Henry Deane, Bp. of Salisbury, Keeper. October 13.
1502 William Warham, Bishop-Elect of London, afterwards Archbishop of Canterbury, Keeper. August 11.
1503 —— made Lord Chancellor, January 1.
1516 Thomas Wolsey, Cardinal, Archbishop of York, &c. December 7.
1530 Sir Thomas More, Knight. October 25.
1533 Sir Thomas Audley, Knight, Keeper. May 20. And on the 6th of January following he was made Chancellor, (created Lord Audley in 1538.)
1534 Thomas Goodrick, Bishop of Ely.
1545 Thomas Wriothesley, Lord Wriothesley. May 3.
1547 Sir William Paulet, Knight, Lord St. John of Bassing. June 29. Afterwards Earl of Wiltshire, and Marquis of Winchester.
Sir Richard Rich, Lord Rich. Nov. 30.
1551 Thomas Goodrick, Bp. of Ely. Jan. 19.
Sir Nicholas Hare, Knight, Lord Keeper.
1553 Stephen Gardiner, Bishop of Winchester. September 21.
1555 Nicholas Heath, Archbishop of York. January 1.
1559 Sir Nicholas Bacon, Knt. Lord Keeper. December 20.
1579 Sir Thomas Bromley, Knight. April 25.
1587 Sir Christopher Hatton, Knt. April 29.
1592 Sir John Puckering, Knt. Lord Keeper May 28.
1596 Sir Thomas Egerton, Kt. Keeper. May 6.
1603 King James I. delivers a new Great Seal to Sir Thomas Egerton, and soon afterwards creates him Baron of Ellesmere, &c. and constitutes him Lord High Chancellor of England. (In 1616 created Viscount Brackley).
1616 Sir F. Bacon, Kt. Lord Keeper. Mar. 7.
1617 —— made Lord Chancellor, and created
1617 Lord Verulam in 1619, and 1620 Viscount St. Alban's. Removed.
1621 Henry Montagu, Viscount Manevdille; Ludovick Stuart, Duke of Richmond; William Herbert, Earl of Pembroke; Sir Julius Cæsar, Knight, Master of the Rolls; Keepers of the Great Seal. May 3.
John Williams, D.D. Dean of Westminster, Lord Keeper. July 10. Afterwards Bishop of Lincoln.)
1625 Sir Thomas Coventry, Knt. Nov. 1.

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## IX.—LIST OF THE ARCHBISHOPS OF YORK, FROM THE YEAR 1070 TO THE DEATH OF JAMES I. 1625.

1070 Thomas I. Canon of Baion.
1100 Gerard, translated from Hereford.
1109 Thomas II. Bishop-Elect of London.
1119 Thurstan, Prebend of St. Paul's. He resigned.
1141 Henry Murdac, Abbot of Fountains.
1153 St. William, Treasurer of York.
1154 Roger, Archdeacon of Canterbury.
[The see vacant ten years.]
1191 Godfrey Plantagenet, Archdeacon of Lincoln, Lord Chancellor.
[The see vacant four years.]
1217 Walter Gray, translated from Worcester, Lord Chancellor.
1256 St. Sewall de Bovill, Dean of York.
1258 Godfrey de Kinton, Dean of York.
1265 Walter Giffard, translated from Bath and Wells, Lord Chancellor.
1279 William Wickwane, Chancellor of York.
1285 John Romane, Precentor of York.
1269 Henry de Newark, Dean of York.
1299 Thomas Corbridge, Prebend of York.
1305 William Greenfield, Dean of Chichester, Prebend of York, Lord Chancellor.
1317 William de Milton, Provost of Beverley, Lord Chancellor, and Lord Treasurer.
1342 William de la Zouch, Dean of York, Lord Treasurer.
1352 John Thoresby, translated from Worcester, Cardinal, Lord Chancellor.
1373 Alexander Nevill, Archdeacon of Durham. Banished in 1387.
1388 Thomas Arundel, translated from Ely; translated to Canterbury; Lord Chancellor.
1396 Rt. Waldby, translated from Chichester.
1397 Richard Scrope, translated from Coventry and Litchfield. Beheaded for attempting to restore King Richard II.
1408 Henry Bowett, translated from Bath and Wells.
1425 John Kemp, translated from London, Cardinal, and Lord Chancellor; translated to Canterbury.
1452 William Booth, translated from Coventry and Litchfield.
1464 George Nevil, translated from Exeter, Lord Chancellor.
1486 Lawrence Booth, translated from Durham.
1480 Thos. Scott, surnamed Rotheram, translated from Lincoln, Lord Chancellor.
1501 Thomas Savage, translated from London.
1508 Christopher Bainbridge, translated from Durham, Cardinal.
1508 Thomas Wolsey, translated from Lincoln, Lord Chancellor, Cardinal.
1531 Edward Lee, Chancellor of Salisbury, and Prebend of York.
1544 Robert Holgate, translated from Landaff, Lord President of the North. Deprived.
1555 Nicholas Heath, late Bishop of Worcester, Lord Chancellor. Deprived.
1560 Thomas Young, translated from St. David's, Lord President of the North.
1570 Edmund Grindal, translated from London; translated to Canterbury.
1567 Edwyn Sandys, translated from London.
1588 John Piers, translated from Salisbury.
1606 Mat. Hutton I. translated from Durham.
1606 Tob. Matthew, translated from Durham.

## X.—LIST OF THE LORDS HIGH TREASURERS OF ENGLAND, FROM THE YEAR 1066 TO THE DEATH OF JAMES I. 1625.

WILLIAM I.

Odo, Earl of Kent.

HENRY I.

Geoffrey Clinton.
Ranulph, Bishop of Durham.
Roger Bishop of Salisbury.
Nigellus, Bishop of Ely.

HENRY II.

Richard de Ely, afterwards Bishop of London.

RICHARD I.

Continued.
William de Ely.

JOHN.

Continued.
—— Dean of St. Paul's, London.
Walter Grey, Bishop of Worcester.
Geoffrey, Archdeacon of Norwich.

HENRY III.

John Ruthal.
Eustace de Fauconbridge, Bp. of London, and Chancellor of the Exchequer.
John de Fontibus, Bishop of Ely.
Walter Malclarke, or Lacklatine, Bishop of Carlisle.
Hubert de Burgo.
Peter de Oriall.
Under him —— Passelew was Chancellor of the Exchequer.
Hugh Patteshall.
Galfridus Templarius.
William Haverhull, Canon of St. Paul's, London.
Rd. de Barking, Abbot of Westminster.
Philip Lovel. Deposed by the Barons in the year 1258.
1258 John Crackhall, Archdeacon of Bedford.
1260 John, Abbot of Peterborough; made Treasurer by the Barons.
1263 Nicholas de Ely, Archdeacon of Ely.
1266 Thomas Wimundham.
1269 John Chisull, Dean of St. Paul's, London; afterwards Bishop of London.
1271 Philip de Ely.

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EDWARD I.

Continued.

1274 Joseph de Chancy.
1275 William Gifford, Bishop of Bath and Wells, afterwards Archbishop of York.
Robert Burnel, Bishop of Bath and Wells.
1278 John de Clancy, Prior of St. John's of Jerusalem, in England.
1279 Thomas Becke, Archdeacon of Dorcester.
1280 Richard Warren, or de Ware, Abbot of Westminster.
1284 Walter Wenlock, Abbot of Westminster.
1286 Roger de Longespee, alias Molend, Bishop of Litchfield.
John Kirkbie, Archdeacon of Coventry, afterwards Bishop of Ely.
1290 William de Marchia, Bishop of Bath and Wells.
1293 Peter de Leicester, Baron of the Exchequer, who with the two Chamberlains of the Exchequer, executed the office of Treasurer until the appointment of
1295 Walter Langton, Bishop of Litchfield.
Under whom Peter Willeby was Chancellor of the Exchequer.

EDWARD II.

1307 Walter Reynolds, Bishop of Worcester, afterwards Archbishop of Canterbury. He had been schoolmaster to the King. Under him John de Sandall was Chancellor of the Exchequer.
1311 John de Sandall.
1312 Sir Walter Norwich.
1313 John de Sandall, Bishop of Winchester, (a second time).
1315 Sir Walter de Norwich, (a second time).
John Drokensford, Bishop of Bath and Wells.
(Hervey de Stanton, Chancellor of the Exchequer).
1317 John Hotham, Bishop of Ely.
1318 William Walwaine.
John Stratford, Bishop of Winchester.
1319 Walter Stapleton, Bishop of Exeter.
1321 Sir Walter de Norwich, (third time).
1322 Roger Northborrow, Bishop of Coventry and Litchfield.
1324 Walter Stapleton, Bishop of Exeter, (for a second time). He was beheaded in the year 1326, by order of the Queen Regent Isabella.
William Melton, Archbishop of York.

EDWARD III.

1326 John Stratford, Bishop of Winchester, (for a second time).
Adam de Orlton, Bishop of Hereford.
1327 Henry Burwash, Bishop of Lincoln.
1329 Thomas Charleton, Bishop of Hereford.
1330 Robert Woodhouse.
1331 William Melton, Archbishop of York, (for a second time).
1332 William Ayermyn, Bishop of Norwich.
1333 Robert le Ailstone.
1336 Henry Burwash, Bishop of Lincoln, (for a second time).
1337 Richard de Bury, Bishop of Durham.
1338 William de la Zouch, Archbishop of York.
1340 Sir Roger Sodington, Knight.
Roger Northborrow, Bishop of Coventry and Litchfield, (for a second time).
1341 A Bishop of Chester.
Robert Perning.
1342 Roger Northborrow, Bishop of Coventry and Litchfield, (for a third time).
1343 William de Cusans.
1345 William de Edington, Bishop of Winchester.
1358 John de Shepey, Bishop of Rochester.
1361 Simon Langham, Bishop of Ely, afterwards Archbishop of Canterbury, and a Cardinal.
1363 John Barret, Bishop of Worcester.
Under him William Ashby, Archdeacon of Northampton, Chancellor of the Exchequer.
1368 Thomas de Burrington, Bishop of Exeter.
1371 Sir Rich. Scroop, Lord Scroop of Bolton.
1376 Sir Richard Ashton, Knt. Lord Warden of the Cinque Ports.
1377 Henry Wakefield, Bishop of Worcester.

RICHARD II.

Continued.

1378 Thomas Brantington, Bishop of Exeter.
1379 Richard Fitzalan, Earl of Arundel and Surrey.
1380 Thomas Brantington, Bishop of Exeter, (for a second time).
1381 Robert Hales, Prior of St. John's of Jerusalem, in England. Beheaded by the London rebels on Tower-hill in 1381.
1382 Sir Hugh Segrave, Knight.
1385 John Frotham, Bishop of Durham.
1386 John Gilbert, Bishop of Hereford, made by the Parliament.
1388 Thomas Brantington, Bishop of Exeter, (for the third time).
1389 John Gilbert, now Bishop of St. David's, (for the second time).
1390 John Waltham, Bishop of Salisbury.
1395 Roger Walden, Secretary to the King, and Treasurer of Calais. He was elected Archbishop of Canterbury, but rejected by Pope Innocent VII. who afterwards confirmed him Bishop of London.
1398 Guy de Mona, Bishop of St. David's.
Sir William Scroop, Earl of Wiltshire. Beheaded at Bristol in 1399, 1st of King Henry IV.

HENRY IV.

1399 Sir John Northbury, Knight.
1403 Henry Bowet, Bishop of Bath and Wells.
1404 William Roos, Lord Roos.
1405 Thomas Furnival, Lord Furnival.
1408 Nicholas Bubwith, Bishop of London.
Sir Richard Scroop, Lord Scroop of Bolton, (for a second time).

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1409 Sir John Tiptoft, Lord Tiptoft.
1410 Henry Scroop, Lord Scroop of Masham. Beheaded at Southampton, the 3d of King Henry V.

HENRY V.

1413 Thomas Fitzalan, Earl of Arundel and Surrey.
1416 Sir Philip Lech, Knight.
1417 Henry Fitzhugh, Lord Fitzhugh.

HENRY VI.

1422 John Stafford, Bishop of Bath and Wells, afterwards Archbishop of Canterbury.
1425 Walter Hungerford, Lord Hungerford.
1431 John Scroop, Lord Scroop of Upsal and Masham.
1434 Ralph Cromwell, Lord Cromwell.
1444 Sir Ralph Butler, Lord Sudley.
1447 Marmaduke Lumley, Bishop of Carlisle.
1448 James Fynes, Lord Say and Sele. Beheaded by the Kentish rebels under Jack Cade.
1450 John Beauchamp, Lord Beaucham of Powyke.
1452 John Tiptoft, Lord Tiptoft, now Earl of Worcester, (for a second time).
1455 James Butler, Earl of Wiltshire and Ormond.
(Thomas Thorpe, Chancellor of the Exchequer).
Henry Bourchier, Viscount Bourchier, afterwards Earl of Essex.
1456 John Talbot, Earl of Shrewsbury. Killed at the battle of Northampton, 1460.
1458 James Butler, Earl of Wiltshire and Ormond, (for a second time). Beheaded at Newcastle upon Tyne, 1461.
1460 Henry Bourchier, Viscount Bourchier, afterwards Earl of Essex, (for a second time).

EDWARD IV.

1460 Thomas Bourchier.
1462 John Tiptoft, Earl of Worcester, (for a third time). Beheaded in 1471.
1464 Edmund Grey, Lord Grey of Ruthyn, created Earl of Kent.
1465 Sir Walter Blount, afterwards Lord Montjoy.
1466 Sir Richard Woodville, Earl Rivers. Beheaded at Northampton 1469.
1469 John Longsthrother, Prior of St. John's of Jerusalem, in England.
William Grey, Bishop of Ely.
1471 Henry Bourchier, Earl of Essex, (for a third time).

EDWARD V.

Continued.

RICHARD III.

Continued.
1484 Sir Richard Wood, Knight.

HENRY VII.

1485 Sir Reginald Bray.
(Sir William Stanley, Knight, Chancellor of the Exchequer).
1486 Sir John Dinham, Lord Dinham.
1500 Thomas Howard, Earl of Surrey, afterwards Duke of Norfolk.

HENRY VIII.

Continued.
(Thomas Cromwell, (afterwards Earl of Essex, and beheaded) Chancellor of the Exchequer).
1522 Thomas Howard, Earl of Surrey, son to the last Lord Treasurer.

EDWARD VI.

1546 Edward Seymour, Earl of Hertford, afterwards Duke of Somerset. Beheaded in 1551.
1551 Sir William Paulet, Marquis of Winchester.

MARY.

Continued.

ELIZABETH.

Continued.
(Richard Sackville, Chancellor of the Exchequer).
1566 (Sir William Mildmay, Knight, ditto).
1572 Sir William Cecil, Lord Burleigh.
1589 (Sir John Fortescue, Chancellor of the Exchequer).
1600 Thomas Sackville, Lord Buckhurst, afterwards Earl of Dorset.

JAMES I.

Continued.
(George Hume, Lord Hume of Berwick, Chancellor of the Exchequer).
(Sir Fulk Greville, Knight, ditto.
1608 Sir Robert Cecil, Earl of Salisbury.
1613 Thomas Howard, Lord Howard of Walden, afterwards Earl of Suffolk.
1620 (Sir Richard Weston, Baronet, afterwards Earl of Portland, Chancellor of the Exchequer).
Sir Henry Montagu, Knt. Lord Chief Justice of the King's Bench; created Baron Kimbolton, and Viscount Mandeville; (afterwards Earl of Manchester).
1621 Lionel Cranfield, Lord Cranfield, afterwards Earl of Middlesex.
1622 Sir James Ley, Knight and Baronet, Lord Chief Justice of the King's Bench. Created upon this occasion Lord Ley, afterwards Earl of Marlborough.

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## XI.—LIST OF THE LORDS PRIVY SEAL, FROM THE REIGN OF HENRY VIII. TO THE DEATH OF JAMES I. 1625.

HENRY VIII.

Richard Fox, Bishop of Winchester.
Henry Marney, Lord Marney.
1523 Cuthbert Tunstal, Bishop of London.
1533 Wm. Fitzwilliam, Earl of Southampton.
Thomas Bullen, Earl of Wiltshire and Ormond.
1536 Thomas Cromwell, Lord Cromwell, afterwards Earl of Essex; beheaded.
John Russell, Lord Russell, afterwards
1543 Earl of Bedford.

EDWARD VI.

Continued.

MARY.

Continued.
1554 Edward, Earl of Derby.
1556 William Paget, Lord Paget.

ELIZABETH.

Nicholas Bacon.
1572 William Howard, Lord Howard of Effingham.
—— Windebank, Esq.

JAMES I.

1608 Henry Howard, Earl of Northampton.
1614 Edward Somerset, Earl of Worcester.

## XII.—LIST OF THE SPEAKERS OF THE HOUSE OF COMMONS, FROM THE YEAR 1377 TO THE DEATH OF JAMES I. 1625.

EDWARD III.

1377 Sir Thomas Hungerford, Knight.

RICHARD II.

1377 Sir Peirce de la Mare, Knight.
1378 Sir James Pickering, Knight.
1379 Sir John Gildersburgh, Knight.
1381 Sir Richard Walsgrave, Knight.
1383 Sir James Pickering, Knight.
1397 Sir John Bussey, Knight.

HENRY IV.

1399 Sir John Cheyney, Knight, chosen, but excused for his sickness and infirmity.
Sir John Dorewood, Knight, chosen in his place.
1400 Sir Arnold Savage, Knight.
1403 Sir Henry de Redford, Knight.
1404 Sir Arnold Savage, Knight.
1405 Sir William Sturmey, Knight.
1406 Sir John Tibetot, Knight.
1407 Thomas Chaucer, Esq.

HENRY V.

1413 William Stourton, Esq. chosen, but excused for his illness and infirmity.
John Dorewood, Esq. chosen in his place.
1414 Thomas Chaucer, Esq.
1415 Sir Walter Beauchamp, Knight.
1416 Roger Flower, Esq.
1421 Richard Baynard, Esq.

HENRY VI.

1422 Roger Flower, Esq.
1423 John Russel, Esq.
1425 Sir Thomas Nanton, Knight.
1426 Sir Richard Vernon, Knight.
1428 John Tyrril, Esq.
1429 William Allington, Esq.
1430 John Tyrril, Esq.
1432 John Russel, Esq.
1433 Roger Hunt, Esq.
1435 John Bowes, Esq.
1436 Sir John Tyrril, Knt. chosen, but excused on account of sickness.
William Beerly, Esq. chosen in his place.
1439 William Tresham, Esq.
1445 William Burghley, Esq.
1447 William Tresham, Esq.
1449 John Day, Esq.
1450 Sir John Popham, Knight, chosen, but excused.
William Tresham, Esq. elected in his place.
1452 Sir William Oldhall, Knt.
1453 Tho. Thorpe, Esq. chosen, but discharged.
Sir Thomas Charlton, Knight, chosen in his place.
1455 Sir John Wenlock, Knight.
1460 Thomas Tresham, Esq.
1461 John Green, Esq.

EDWARD IV.

1461 Sir James Strangewaies, Knt.
1463 John Say, Esq.
1467 Sir John Say, Knight.
1472 William Allington, Esq.
1482 John Wood, Esq.

HENRY VIII.

1509 Thomas Inglefield, Esq.
1513 Thomas Nevile, Esq.
1523 Sir Thomas More, Knight.
1529 Thomas Audley, Esq.
1537 Richard Rich, Esq.
1540 Sir Nicholas Hare, Knt.
1542 Thomas Moyle, Esq.

EDWARD VI.

1547 Sir John Baker, Knight.
1552 James Dyer, Esq.

MARY.

1553 John Pollard, Esq.
1554 Robert Brook, Esq.

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PHILIP AND MARY.

1554 Clement Higham, Esq.
1555 John Pollard, Esq.
1558 John Cordell, Esq.

ELIZABETH.

1558 Sir Thomas Gargrave, Knt.
1562 Thomas Williams, Esq.
1566 Richard Onslow, Esq.
1571 Christopher Wray, Esq.
1572 Robert Bell, Esq.
1581 John Popham, Esq.
1585 John Puckering, Esq.
1593 George Snagg, Esq.
1592 Edward Cooke, Esq.
1597 Christopher Yelverton, Esq.
1691 John Cooke, Esq.

JAMES I.

1603 Sir Edward Phellips, Knt.
1614 Sir Randolph Crewe, Knt.
1620 Thomas Richardson, Esq.
1623 Sir Thomas Crewe, Knt.

## XIII.—LIST OF THE MASTERS OF THE ROLLS, FROM THE YEAR 1291 TO THE DEATH OF JAMES I. 1625.

1291 Adam de Osgodeby, Oct. 1.
1316 William de Aremynne, August 19.
1318 William Annyne.
1323 Richard de Ayremynne, May 26.
1324 Henry de Cliff, July 4.
1332 Michael de Wath, Jan. 20.
1336 John de Sanco, April 28.
1339 William de Kilderly.
Thomas de Evesham.
1340 John de Thoresby, Feb.21.
1344 David de Wollere.
1370 William Bevestall, March 28.
1381 John de Waltham, Sept. 8.
1386 John de Bereton, Oct. 24.
1394 John Searle, July 22.
1397 Thomas Stanley, Sept. 11.
1401 Nich. Bedwith, Sept. 24.
1404 John Wakening, March 2.
1415 Simon Gaunstede, June 3.
1423 John Fraunke, Oct. 28.
1438 John Stopinden, Nov. 13.
1446 Thomas Kirkby, March 29.
1461 Robert de Kirkham, Dec. 23.
1471 John Alcock, April 29.
William Morland, Feb. 22.
1475 John Morton, May 2.
1478 Robert Morton, May 30.
1483 Thomas Barrow, Sept. 22.
1485 William Elliot, Nov. 13.
1487 David Williams, Nov. 26.
1491 John Blithe, May 5.
1493 William Warehain, Feb. 13.
1501 William Baron, Feb. 1.
1504 Christopher Benebrigge, Nov. 13.
1507 John Yonge, Jan. 22.
1509 John Yonge, June 12.
1516 Cuthbert Tunstall, May 12.
1522 John Clarke, Oct. 20.
1523 Thomas Hannibal, Oct. 19.
1527 John Taylor, June 26.
1534 Thomas Croombwell, Oct. 8.
1536 Christopher Hales, June 10.
1541 Robert Southwell, July 1.
1549 John Beaumont, Dec. 19.
1551 Sir Robert Bowes, Knt. June 18.
1553 Sir Nic. Hare, Knt. Sept. 18.
1557 Sir William Cordell, Knt. Nov. 8.
1580 Sir Gilbert Gerrard, Knt. May 30.
1593 Sir Thomas Egerton, Knt. April 10.
1603 Edward Bruce, May 18.
1608 Sir Edward Phillips, Knt. Dec. 2.
1610 Julius Cæsar, Jan. 16.
1614 Julius Cæsar, Oct. 1.

## XIV.—LIST OF ATTORNIES GENERAL, FROM THE YEAR 1278 TO THE DEATH OF JAMES I. 1625.

1278 William de Gisilham.
1279 Gilbert de Thornton.
1280 Alanus de Waldingham.
1291 William Inge.
Hugo de Louther.
1293 John de Mutford.
1299 Nic. de Warwick.
1300 John de Cestria.
1301 John de Mutford.
1308 Matthew de Scaccario.
1312 John de Norton.
1313 William de Langley.
1318 Adam de Fyneham.
1320 Galfridus de Scrope.
1322 Galfridus de Fyngale, Nov. 6.
1324 Adam de Fyneham.
1326 William de Merston, Feb. 26.
1327 Alexander de Hadenham.
Adam de Fyneham.
1328 Richard de Aldeburgh.
1333 Simon de Trewythosa.
1337 John de Clone, Aug. 4.
John de Lincoln, May 28.
1338 John de Clone, July 16.
William de Mevington.
1341 William de Thorpe.
1342 John de Lincoln.
John de Clone.
1348 Simon de Kegworth, Oct. 12.
1352 Henry de Graistock.
John Gaunt.
1359 Richard de Freysley, May 4.
1361 William de Pleste.
1362 William de Nessefield, Nov. 4.
1365 Thomas de Shardlow, Nov. 9.
1366 John de Ashwell, May 12.
Michael Skilling.
1378 Thomas de Shardlow.



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1381 William Ellis.
1384 William de Horneby.
1386 Edmund Brudenel..
1389 William de Lodington, Sept. 30.
1401 Thomas Cowley.
1407 Thomas Dercham, July 13.
Roger Hunt, August 17.
1412 Thomas Tickhill.
1413 William Babington, Jan. 16.
1420 William Babthorpe.
1422 William Babthorpe, Nov. 11.
1429 John Vampage, Oct. 28.
1451 William Nottingham, June 30.
1461 John Herbert, August 12.
Henry Southnell.
1471 William Husee, June 16.
1483 Morganus Kidwelly, May 28.
Marganus Kidwelly, July 3.
1485 William Hody, Sept. 27.
1486 Jacob Hubbard, July 8.
1509 John Ernly, April 28.
1518 John Fitz-James, Jan. 26.
1523 Radulphus Swillington, April 1.
1529 Christopher Hales, June 3.
1536 Sir John Baker, Knt. July 10.
1540 William Whorwood, Nov. 8.
1545 Henry Bradshaw, June 18.
1551 Edward Griffith, May 21.
1553 Edward Griffith, Sept. 30.
1558 Gilbert Gerrard, Jan. 22.
1580 John Popham, June 1.
1591 Sir Thomas Egerton, Knt. June 2.
1593 Edward Coke, April 10.
1603 Continued, April 22.
1606 Sir Henry Hobert, Knt. July 4.
1613 Sir Francis Bacon, Knt. October 27, afterwards Viscount St. Albans.
1616 Sir Henry Yelverton, Knt. March 12.
1620 Sir Thomas Coventry, January 11, afterwards Lord Coventry.
1625 Robert Heath, October 31.

## XV.—LIST OF SOLICITORS GENERAL, FROM THE YEAR 1461 TO THE DEATH OF JAMES I. 1625.

1461 Richard Fowler, March 12.
1469 Richard Page, Jan. 31.
1483 Thomas Lynon, Aug. 26.
1484 Continued, October 20.
1485 Andrew Dimmock, Nov. 15.
1506 John Ernley, July 12.
1513 John Port.
1521 Richard Listor, July 8.
1525 Christopher Hales, Aug. 14.
1531 Baldwine Malet.
1533 Richard Rich, October.
1535 William Whorwood, April 13.
1540 Henry Bradshaw.
1545 Edward Griffin, June 8.
1552 John Gosnol, May 21.
1553 William Cordell, Sept. 30.
1557 Richard Wensto, Nov. 20.
1558 William Rosewell, Feb. 1.
1565 Richard Onslow, June 27.
1568 Thomas Bromley, March 14.
1579 John Popham, June 26.
1581 Thomas Egerton, June 28.
1592 Edward Coke, June 16.
1594 Thomas Fleming, Nov. 6.
1603 Continued, April 2.
1607 Francis Bacon, June 25.
1613 Henry Yelverton, Oct. 29.
1616 Thomas Coventry, March 14.
1620 Robert Heath, January 22.

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PHILIP AND MARY.

1554 Clement Higham, Esq.
1555 John Pollard, Esq.
1558 John Cordell, Esq.

ELIZABETH.

1558 Sir Thomas Gargrave, Knt.
1562 Thomas Williams, Esq.
1566 Richard Onslow, Esq.
1571 Christopher Wray, Esq.
1572 Robert Bell, Esq.
1581 John Popham, Esq.
1585 John Puckering, Esq.
1588 George Snagg, Esq.
1592 Edward Cooke, Esq.
1597 Christopher Yelverton, Esq.
1601 John Cooke, Esq.

JAMES I.

1603 Sir Edward Phellips, Knt.
1614 Sir Randolph Crewe, Knt.
1620 Thomas Richardson, Esq.
1623 Sir Thomas Crewe, Knt.

## XIII.—LIST OF THE MASTERS OF THE ROLLS, FROM THE YEAR 1291 TO THE DEATH OF JAMES I. 1625.

1291 Adam de Osgodeby, Oct. 1.
1316 William de Aremynne, August 19.
1318 William Annyne.
1323 Richard de Ayremynne, May 26.
1324 Henry de Cliff, July 4.
1332 Michael de Wath, Jan. 20.
1336 John de Sanco, April 28.
1339 William de Kilderly.
Thomas de Evesham.
1340 John de Thoresby, Feb. 21.
1344 David de Wollere.
1370 William Bevestall, March 28.
1381 John de Waltham, Sept. 8.
1386 John de Bereton, Oct. 24.
1394 John Searle, July 22.
1397 Thomas Stanley, Sept. 11.
1401 Nich. Bedwith, Sept. 24.
1404 John Wakening, March 2.
1415 Simon Gaunstede, June 3.
1423 John Fraunke, Oct. 28.
1438 John Stopinden, Nov. 13.
1446 Thomas Kirkby, March 29.
1461 Robert de Kirkham, Dec. 23.
1471 John Alcock, April 29.
William Morland, Feb. 22.
1475 John Morton, May 2.
1478 Robert Morton, May 30.
1483 Thomas Barrow, Sept. 22.
1485 William Elliot, Nov. 13.
1487 David Williams, Nov. 26.
1491 John Blithe, May 5.
1493 William Warcham, Feb. 13.
1501 William Baron, Feb. 1.
1504 Christopher Benebrigge, Nov. 13.
1507 John Yonge, Jan. 22.
1509 John Yonge, June 12.
1516 Cuthbert Tunstall, May 12.
1522 John Clarke, Oct. 20.
1523 Thomas Hannibal, Oct. 19.
1527 John Taylor, June 26.
1534 Thomas Croombwell, Oct. 8.
1536 Christopher Hales, June 10.
1541 Robert Southwell, July 1.
1549 John Beaumont, Dec. 19.
1551 Sir Robert Bowes, Knt. June 18.
1553 Sir Nic. Hare, Knt. Sept. 18.
1557 Sir William Cordell, Knt. Nov. 8.
1580 Sir Gilbert Gerrard, Knt. May 30.
1593 Sir Thomas Egerton, Knt. April 10.
1603 Edward Bruce, May 18.
1608 Sir Edward Phillips, Knt. Dec. 2.
1610 Julius Cæsar, Jan. 16.
1614 Julius Cæsar, Oct. 1.

## XIV.—LIST OF ATTORNIES GENERAL, FROM THE YEAR 1278 TO THE DEATH OF JAMES I. 1625.

1278 William de Gisilham.
1279 Gilbert de Thornton.
1280 Alanus de Waldingham.
1291 William Inge.
Hugo de Louther.
1293 John de Mutford.
1299 Nic. de Warwick.
1300 John de Cestria.
1301 John de Mutford.
1308 Matthew de Scaccario.
1312 John de Norton.
1313 William de Langley.
1318 Adam de Fyneham.
1320 Galfridus de Scrope.
1322 Galfridus de Fyngale, Nov. 6.
1324 Adam de Fyneham.
1326 William de Merston, Feb. 26.
1327 Alexander de Hadenham.
Adam de Fyneham.
1328 Richard de Aldeburgh.
1333 Simon de Trewythosa.
1337 John de Clone, Aug. 4.
John de Lincoln, May 28.
1338 John de Clone, July 16.
William de Mevington.
1341 William de Thorpe.
1342 John de Lincoln.
John de Clone.
1348 Simon de Kegworth, Oct. 12.
1352 Henry de Graistock.
John Gaunt.
1359 Richard de Freysley, May 4.
1361 William de Pleste.
1362 William de Nessefield, Nov. 4.
1365 Thomas de Shardlow, Nov. 9.
1366 John de Ashwell, May 12.
Michael Skilling.
1378 Thomas de Shardlow.



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1381 William Ellis.
1384 William de Horneby.
1386 Edmund Brudenel.
1399 William de Lodington, Sept. 30.
1401 Thomas Cowley.
1407 Thomas Dereham, July 13.
Roger Hunt, August 17.
1412 Thomas Tickhill.
1413 William Babington, Jan. 16.
1420 William Babthorpe.
1422 William Babthorpe, Nov. 11.
1429 John Vampage, Oct. 28.
1451 William Nottingham, June 30.
1461 John Herbert, August 12.
Henry Southnell.
1471 William Husee, June 16.
1483 Morganus Kidwelly, May 28.
Marganus Kidwelly, July 3.
1485 William Hody, Sept. 27.
1486 Jacob Hubbard, July 8.
1509 John Ernly, April 28.
1518 John Fitz-James, Jan. 26.
1523 Radulphus Swillington, April 1.
1529 Christopher Hales, June 3.
1536 Sir John Baker, Knt. July 10.
1540 William Whorwood, Nov. 8.
1545 Henry Bradshaw, June 18.
1551 Edward Griffith, May 21.
1553 Edward Griffith, Sept. 30.
1558 Gilbert Gerrard, Jan. 22.
1580 John Popham, June 1.
1591 Sir Thomas Egerton, Knt. June 2.
1593 Edward Coke, April 10.
1603 Continued, April 22.
1606 Sir Henry Hobert, Knt. July 4.
1613 Sir Francis Bacon, Knt. October 27, afterwards Viscount St. Albans.
1616 Sir Henry Yelverton, Knt. March 19.
1620 Sir Thomas Coventry, January 11, afterwards Lord Coventry.
1625 Robert Heath, October 31.

## XV.—LIST OF SOLICITORS GENERAL, FROM THE YEAR 1461 TO THE DEATH OF JAMES I. 1625.

1461 Richard Fowler, March 12.
1469 Richard Page, Jan. 31.
1483 Thomas Lynon, Aug. 26.
1484 Continued, October 20.
1485 Andrew Dimmock, Nov. 15.
1506 John Ernley, July 12.
1513 John Port.
1521 Richard Listor, July 8.
1525 Christopher Hales, Aug. 14.
1531 Baldwine Malet.
1533 Richard Rich, October.
1535 William Whorwood, April 13.
1540 Henry Bradshaw.
1545 Edward Griffin, June 8.
1552 John Gosnol, May 21.
1553 William Cordell, Sept. 30.
1557 Richard Wensto, Nov. 20.
1558 William Rosewell, Feb. 1.
1565 Richard Onslow, June 27.
1568 Thomas Bromley, March 14.
1579 John Popham, June 26.
1581 Thomas Egerton, June 28.
1592 Edward Coke, June 16.
1594 Thomas Fleming, Nov. 6.
1603 Continued, April 2.
1607 Francis Bacon, June 25.
1613 Henry Yelverton, Oct. 29.
1616 Thomas Coventry, March 14.
1620 Robert Heath, January 22.

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# Parliamentary History.

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# COBBETT'S

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## ON THE ORIGIN OF PARLIAMENT.

THE origin or first institution of parliament lies so far hidden in the dark ages of antiquity, that the tracing of it out is equally difficult and uncertain. The word *parliament* is comparatively of modern date, derived from the French, *parler*, and signifying *the place where they met and spoke, or conferred together*. It was first applied to general assemblies of the states, under Lewis VII. in France, about the middle of the 12th century; but it is certain, that long before the introduction of the Norman language into England, all matters of importance were debated and settled in the great councils of the realm; a practice which seems to have been universal among the northern nations, particularly the Germans, and carried by them into all the countries of Europe, which they over-ran at the dissolution of the Roman empire. In England this general council hath been held immemorially, under the several names of *michel synoth*, or 'great council;' *michel gemote*, or 'great meeting;' and more frequently, *wittena gemote*, or 'the meeting of wise men.' It was also styled in Latin, *commune concilium regni, magnum concilium regis, curia magna, conventus magnatum vel procerum assisa generalis;* and sometimes, *communitas regni Angliæ*. We have instances of its meeting to order the affairs of the kingdom, to make new laws, and to amend the old; or, as Fleta expresses it, *novis injuriis emersis nova constituere remedia*, so early as the reign of Ina, king of the West Saxons, Ossa, king of the Mercians, and Ethelbert, king of Kent, in the several realms of the heptarchy. The laws of Ina, which were made and published about the year 720, are there said to be done by the advice and consent of all his aldermen and *senior wisemen* of his kingdom, besides a great number of the *clergy*, met together on that occasion. The same is mentioned at the end of the laws of Athelstan, as well as those of Ethelred his successor. But who these *wise men were*, whether *lords* or *commons*, or both together, we are not able to determine. The chronicle of John Brompton mentions a great council, or assembly, to have been held at Salisbury, in the days of king Edgar, about the year 970, of all the *nobles* in the kingdom; and another at Oxford, by king Canute the Dane, in the year 1030. These are all, or the strongest, instances, that can be produced of councils, or parliaments, being called, by our Saxon kings, to make laws before the Conquest. On the other hand, sir R. Filmer, dr. Brady, and others, deny that the commons had any place or power in these assemblies until long after that period. They say indeed that the Saxon kings used to convene the *nobles* and *bishops* of the realm, to consult with them how to defend themselves in case of an invasion, to levy taxes, or to promulgate some new laws amongst the people, or to be witnesses to public charters. This last is evident from several Saxon charters, copied and preserved by historians, as well as some originals still extant amongst us, wherein, besides the king, the nobility and bishops, to a considerable number, signed with him. But then these authors assert, that the whole body of the commons were in an entire vassalage to the nobility and clergy at that time, and long after, and had nothing they could call their own, no, not so much as their lives. That this was the case of the commons till some time after the conquest, appears pretty plain, but with the lords it was otherwise; for sir Henry Spelman tells us in his 'Glossary,' that, besides what has been said of their conventions in the times of the Saxon kings, William I. composed his great assembly, or magnum consilium of the nation, from those tenants that held of him *in capite;* and that parliamentary barons were created, by this king's writ, out of those of good possessions; whereby William reserved to himself a tenure in chief by knight's service. These judges were at that time the supreme judicature; but the origin of the house of peers, as to its transcendant power, does not seem plainly to appear till the reign of Henry III. when special writs of summons were sent out to the nobility distinctly by themselves. But waving these controversies, it is generally agreed, that in the main, the constitution of parliament, as it now stands, was marked out so long ago as the 17th year



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of king John, A. D. 1215, in the Great Charter granted by that prince; wherein he promises to summon all archbishops, bishops, abbots, earls, and greater barons, personally; and all other tenants in chief under the crown, by the sheriff and bailiffs, to meet at a certain place, with 40 days notice, to assess aids and scutages when necessary. And this constitution has subsisted, in fact, at least from the year 1266, 49 Henry III. there being still extant writs of that date, to summon knights, citizens, and burgesses, to parliament.—The power and authority of parliament, in the making of laws, and in proceeding by bill, or other ways, have been so largely treated on by others, and will be so completely developed in the course of our history, that it appears unnecessary to enlarge upon them in this place. With regard to the more ancient acts, ordinances, journals, &c. of the two houses of parliament, much more might be said than would be consistent with the substance of this short introduction. The curious reader will find them admirably and concisely treated upon in abp. Nicolson's 'English Historical Library;' to which work we refer him; and, without further introduction, shall now proceed to give an impartial narrative of the parliamentary proceedings of each respective reign.

## WILLIAM I.

In the year 1072, and in the 6th of his reign, William I., at the instigation of the pope, summoned a national synod, to determine the dispute betwixt the sees of Canterbury and York, about supremacy. As this was entirely an ecclesiastical controversy, it does not appear that this meeting, which was before the king and Hubert, the pope's legate, at Windsor, consisted of more than the prelates, abbots, and other ecclesiastics of the realm.

## HENRY I.

In 1106, says Matthew Paris, Henry I. convened his nobles, by a special edict, on a very extraordinary occasion. His elder brother Robert, whom he had dispossessed of his right of succession to the English crown, came over from Normandy to make him a friendly visit. Henry, being jealous that this visit might turn to his disadvantage, and being more afraid, says our author, of man than God, he first cajoled his nobles, by crafty promises, to be true to him; and next thought that he could make up the matter with God by the building of an abbey, which he was then about to execute. For this reason he called together the great men of the realm, by his royal mandate, to meet at London; where he first softened and sweetened them separately, by honied words and expressions; and then, being met together, he made a speech to them as follows; which speech, as it is the first on record that came from the throne, only preserved by M. Paris, and taken notice of by very few historians, either ancient or modern, justly claims a place in our history:—'My Friends and faithful Subjects, both Foreigners and Natives; You all know very well, that my brother Robert was both called by God and elected king of Jerusalem, which he might have happily governed; and how shamefully he refused that rule, for which he justly deserves God's anger and reproof. You know also, in many other instances, his pride and brutality. Because he is a man that delights in war and bloodshed, he is impatient of peace. I know that he thinks you a parcel of contemptible fellows; he calls you a set of drunkards and gluttons, whom he hopes to tread under his feet. I, truly a king, meek, humble, and peaceable, will preserve and cherish you in your ancient liberties, which I have formerly sworn to perform; will hearken to your wise councils with patience; and will govern you justly, after the example of the best of princes. If you desire it, I will strengthen this promise with a written charter; and all those laws which the holy king Edward, by the inspiration of God, so wisely enacted, I will again swear to keep inviolably. If you, my brethren, will stand by me faithfully, we shall easily repulse the strongest efforts the cruellest enemy can make against me and these kingdoms. If I am only supported by the valour and power of the English nation, all the weak threats of the Normans will no longer seem formidable unto me.'—Paris adds, that this harangue of Henry to his nobles had the desired effect, though he afterwards broke all his fair promises to them. Robert went back much disgusted, whom his brother soon after followed, gained a victory over him, took the duke prisoner, put out his eyes, and condemned him to perpetual imprisonment.—In 1107, Henry called another convention of all the estates of the realm to sit in his royal palace at London. In this assembly, the prohibiting the priests the use of their wives and concubines was considered; and the bishops and clergy granted to the king the correction of them for that offence; by which means he raised vast sums of money, compounding with the priests, for certain annual payments, to allow them the enjoyment of their wives and concubines.—In 1116, another convention of the nobles and barons was summoned by the king to meet at Salisbury. At this meeting the whole nobility did homage to him and to prince William, Henry's eldest son, in the presence of the father. The dispute betwixt the archbishops of York and Canterbury, about primacy, was also debated at this convention.

### *Taxes in this King's Reign.*

In the reign of Henry I. taxes were levied arbitrarily, as they were in the two preceding reigns of his brother Rufus and his father. In his 6th year, he set a sum upon every parish church, and forced the incumbent to pay the money to redeem his church. In his 8th year,

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he received for the marriage of his daughter Matilda, 3s. for every hide of land. And, according to historians, during his whole reign he levied a constant annual tax of 12d. on every hide of land. It does not appear that the king asked the consent of his barons or people for raising these subsidies.

## STEPHEN.

We meet with one convention of the estates in this reign, and that was in the first year of it; for Stephen, anxious to have his title confirmed by their authorities, summoned all the bishops and nobles of the realm, by his royal edict, to meet at Oxford for that purpose. At this meeting Stephen signed, and gave a most extensive charter, wherein the rights and immunities of the church were largely and principally secured to the clergy. At the tail of this charter, Stephen also promises to punish or remove the high sheriffs, or any other of his officers, that shall use any unjust or illegal exactions on the people; and that he will well and truly keep all the good old laws and customs in all cases whatsoever. The barons and other great men, besides the bishops, who were witnesses to this charter, and consequently present at this convention, were Roger the chancellor, Henry the king's nephew, Robert earl of Gloucester, William earl Warren, Ralph earl of Chester, Roger earl of Warwick, Robert de Vere, Miles de Gloucester, Robert d'Oilly, Brian son to the earl Constable, Wm. Martel, Hugh Bygot, Humphrey de Bohun, Simon de Bellocampo, sewer, Wm. de Albany, Martel de Albany, butlers, Rob. de Ferrers, Wm. Peverel, Simon de Silvanecti, Wm. de Albania, Hugh de S. Clare, Ilbert de Lacy; dated at Oxford, in the year of Christ 1136, and the first of his reign. Richard, the prior of Hexham, from whom we now quote, and who has best preserved the annals of this king, has given us this charter; the preamble to which, as it evidently shews the title that Stephen claimed to the crown, may be acceptable to the reader. It is as follows:—'I Stephen, by the grace of God, the consent of the clergy and people, being elected king over England, and consecrated by Wm. abp. of Canterbury, legate of the holy Roman church, confirmed by Innocent, pontiff of the same see; for the respect and love I bear to God, do declare holy church to be free, and do confirm all due reverence unto it, &c.' In 1152 he called a general council to London, and proposed to them the coronation of his son Eustace; that, says our author, he might deprive duke Henry, son to the empress Matilda, of his right of succession; and particularly required the archbishop, to whose ancient right it belonged to consecrate kings, to perform that office upon his son. The prelate boldly answered, that the pope, by his letters, had forbidden him to crown or anoint his son, because he himself, contrary to his oath, had usurped the kingdom. The king, his son, and all that favoured them, were angry at this repulse, and shut up all the bishops, with their primate, in one house, that by threats and terrors they might extort that, which, adds our authority, neither by price nor prayer they could prevail in. Some of the bishops were intimidated, and began to stagger; which the primate perceiving, found means to make his escape out of the house; and getting over the Thames in a boat, fled to Dover, and so beyond sea. For his resolution in this affair and flight, the king seized upon and spoiled all his lands and possessions.

## HENRY II.

Henry II. summoned a general assembly, or, as some will have it, a parliament, in 1156, the second year of his reign, to meet at Wallingford; wherein the bishops and barons swore to the succession of his sons Wm. and Henry, and the king confirmed the charter of the realm.—In 1161, he called together a much greater assembly, and which comes the nearest a parliament of any thing we have yet met with. This convention of the estates was held at Clarendon, and consisted, as M. Paris writes, of the archbishops, bishops, abbots, priors, earls, barons, and nobles of the realm; over whom, by the king's command, John de Oxford, his chaplain, was made president. In this assembly the king carried it with a very high hand against the prelates and holy church, say the Monkish writers, and even forced Thomas à Becket, abp. of Canterbury, with the rest of them present, to swear to 16 articles, drawn up for that purpose. These articles, at large in M. Paris and other ancient writers, called the 'Constitutions of Clarendon,' have been so often copied by the moderns, that it is needless to insert them here.—There was also another assembly of the bishops and barons, called to York, in 1171, in which Malcolm, king of Scotland, and his successor William, appeared and did homage to Henry for that kingdom.—In 1176, Henry, at Northampton, by and with the advice and consent of his son, the bishops, earls, barons, knights, and others, constituted and appointed justiciaries, in six different parts of the realm, three in each division; who were sworn to execute justice impartially to every one.—Again, in 1186, another convention of the estates was called to meet at Gayntington, and by their consent he imposed the same tax upon his subjects in England, which he had just then executed in Normandy and the rest of his foreign dominions. This was imposed in order to carry on a war, jointly with the king of France, against the Turks and Saracens, for the recovery of the Holy Land.

### *Taxes in this King's Reign.*

Taxes seem to have been raised in this king's reign as arbitrarily as before; in the beginning of it there was a scutage, but there is no account what it amounted to. A 2nd scutage was made in the 5th year of his reign, amount-

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ing to 180,000l. In his 7th year a 3d scutage was raised, at two marks every knight's fee. In the twelfth, 2s. in the pound for the first year, and 1d, a pound for four years after, of all rents and moveables. In the 14th of his reign a 4th scutage, at a mark a knight's fee. In the 18th, a 5th scutage; uncertain what it was. In the last year of this king's reign, a 10th on all moveables, for the crusade.

## RICHARD I.

In this king's reign we meet with a convention of the estates, in 1189, the very first year of it. At this time the French king sent an ambassador to acquaint the king of England, that he and the whole noblesse of France had sworn to go and attempt the rescue of the Holy Land from the hands of the Saracens; and invited Richard and his nobles to join with them in this holy undertaking. Upon this embassy, the king convened the bishops, earls, and barons of the realm, says M. Paris, to meet at Westminster, when, acquainting them with the French king's invitation, it was readily agreed to accept of it, by Richard and his peers; the king and the nobles taking the same oath, set out from England some time after, to meet the French, and prosecute this holy war with their joint forces.—Soon after his return, in 1194, the king thought fit to call a parliament, at Nottingham; where it is said by some, that queen Eleanor, his mother, was present, and sat on his right hand. But Roger Hoveden, who is very particular in his account of this assembly, and what was done at it, writes, 'that the king sat in state, with Hubert, abp. of Canterbury, on his right hand, and Geofry, abp. of York, on his left.' The rest of the bishops and peers that composed this meeting, and are mentioned, were Hugh bp. of Durham, Hugh bp. of Lincoln, William bp. of Ely, the king's chancellor, William bp. of Hereford, Henry bp. of Worcester, Henry bp. of Exeter, and John bp. of Whitehaven; David earl of Huntingdon, brother to the king of Scots, Hamelin earl of Warren, Ralph earl of Chester, Wm. earl Ferrers, Wm. earl of Salisbury, and Roger Bigot earl marshal. On the first day of their session, which was March 29th, the king deprived Gerhard de Canville of the possession of the castle of Lincoln, and his office of sheriff of that shire; Hugh Bardolph of the castles of York and Scarborough, the custody of Westmoreland, with the office of sheriff of Yorkshire; and exposed them to sale. The abp. of York bought the sheriff's office for that county for 3000 marks, and an annual rent of 100 marks. On the 2nd day the king demanded judgment against his brother John, for having, contrary to his oath of fealty, usurped his castles, and entered into a confederacy with the king of France against him; as also against Hugh de Navant, bp. of Coventry, for adhering to him and his other enemies. It was determined that they should both appear upon a day fixed, to answer according to law; which if they refused to do, the earl should be banished, and the bp. undergo such penalty, both from clergy and laity, as his crime deserved. On the 3d day the parliament granted to the king 2s. from every plough-land in England: besides he required a 3d part of the service of every knight's fee for his attendance in Normandy, and all the wool that year of the Cistercian monks, which being judged too hard, he compounded with them for a fine. The 4th and last day was spent in hearing and determining of grievances and accusations; and so this assembly broke up after coming to a resolution, 'that to nullify the act of submission, which Richard had been obliged to perform to the emperor, he should be crowned again,' which accordingly was performed on the Easter following, at Winchester.

*Taxes in this King's Reign.*

In the first year of it a scutage of 20s. was laid on every knight's fee. In the 2nd, for the armament to carry on the holy war, 2 saddle horses and 2 sumpter horses were taken of every city; of every abbey one saddle horse and one sumpter horse; and of every manor of the king's the same as the abbies. For his ransom, when prisoner to the emperor, of every knight's fee 20s.; 1-4th of the rents of the laity; 1-4th of the rents of some clerks, and 1-10th of others; all the gold and silver the churches had; and all the wool of that year the Cistercians had, as well as the monks of the order of Sempringham, who never were taxed before. The sum the emperor demanded for king Richard's ransom was 140,000 marks of silver. For liberty of tournament, every earl gave 20 marks, every baron 10 marks, every landed knight 4 marks, and every knight of fortune 2 marks. In 1185 and 1196, were raised the sum of 1,100,000 marks; but it is not said how; also an aid of 5s. of every plough-land. Great sums were also raised by seisures, fines, and compositions, and sale of the demesne lands. So much money went out of the kingdom on this expensive crusade, and for the king's ransom, that not one genuine coin of this king's stamp is to be met with in the collections of the curious.

## JOHN.

In 1200, the first of his reign, John called together the estates of the realm, to meet at Lincoln; where, also, say our historians, he had summoned Wm. king of Scotland to appear and do homage to him for that kingdom. The Scotch king came, and the ceremony was performed on a hill near Lincoln, in the presence of all the noblemen of both kingdoms, and all the people. This convention is also called a parliament by some old writers, though for what reason we are not able to learn, for there were no laws of any kind enacted at it. But, in 1204, we find a meeting of the nobles called, much more like a parliament than the last. They met at Oxford on the 2nd of Jan. but by what writ they were summoned is not specified.

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Here was granted to the king 2½ marks of every knight's fee; nor did the bishops or abbots, or other of the clergy, depart without a promise of the same.—The storm betwixt this king and his barons beginning to grow high, Stephen Langton, abp. of Canterbury, interposed, and with much ado prevailed upon John to call a parliament, or convention of estates, which met at London, in St. Paul's cathedral. Here the abp. produced a charter of Henry 1st. by which he granted to his people their ancient liberties, which had been violated by the unjust exactions of his predecessors, such as were according to the laws of king Edward, and with those amendments which his father, by the council of his barons, did ratify. This charter, which is still extant in M. Paris, being read amongst the barons, they were much rejoiced at it; and swore in the presence of the abp. that for these liberties they would, if need required, spend their blood; and making an agreement with the prelate to that end, they broke up without any answer from the king.—We now come to the time when Magna Charter, or the Great Charter of our liberties was granted, or rather forced from this king by his barons. This being the fundamental part of our English laws, stands in the front of all our printed statutes, and is the great bulwark betwixt the power of the crown and the liberties of the subject. This charter was first granted in form by king John, in the 16th year of his reign; after a long series of civil wars betwixt him and his barons, of which our chronicles give a melancholy and terrible description. The king being at last hard put to it by the barons; deserted almost by every one; and having, as M. Paris writes, scarce 7 horsemen left to guard his person, thought it high time to sooth his angry nobles, and therefore sent Wm. Mareschal, earl of Pembroke, with some others, to the lords, then at London, to tell them that he would grant the laws and liberties they desired. The embassador and his message were received with great joy by the barons, who appointed a time and place, according to the king's desire, for the meeting.—This great assembly of the king and the barons, was in a place betwixt Windsor and Staines, called Runny-mead. On the 15th of June, 1215, the king and the nobles met in this meadow; on the king's side appeared with him the archbishops of Canterbury and Dublin, the bishops of London, Winchester, Lincoln, Bath, Worcester, Coventry, and Rochester: Pandulph, the pope's agent and master of the order of Templars in England: of noblemen, Wm. Mareschal, earl of Pembroke, the earls of Salisbury, Warren and Arundel; Alan de Galewey, Wm. Fitzgerald, Peter Fitzherbert, Tho. Basset, Mat. Fitzherbert, Allan Basset, Hugh de Nevile, Hubert de Burg, Robert de Roppelay, John Mareschal, and Philip de Albiney. On the part of the barons, says M. Paris, appeared such a number, that it seemed as if all the nobility of England was collected into one body. At length, adds our author, after they had treated on various subjects, the king, knowing full well that his strength was much inferior to that of the barons, without the least seeming reluctance, agreed to several articles, and confirmed them by his charter. Next follows the charter at length, in M. Paris, as well as the Charta de Foresta, granted at the same time; which forest-laws and customs, as they could not be inserted in the same schedule with the former, by reason of their length, says M. Paris, made a different instrument, and was witnessed accordingly.

## HENRY III.

In 1223, a meeting of the barons was summoned to London; where the king met them, Jan. 13th, in the same year. At this conference the abp. of Canterbury, and other great men, requested the king that he would confirm the liberties and free customs for which a war was made with his father; urging, moreover, that when Lewis left England, both the king and all the nobility had sworn to observe, and cause to be observed, those liberties, and therefore could not refuse to do it. Upon which Wm. Briwere, one of the king's council, replied, 'That the liberties they desired were violently extorted, and therefore ought not to be observed.' The abp. of Canterbury in a passion reproved him, and said, 'that if he loved the king he would not hinder the peace of the kingdom.' The king, seeing the prelate much moved on the occasion, assured them, 'that he had bound himself by oath to preserve their liberties, and what was sworn he would observe.' And having called a council he forthwith sent his letters to all the sheriffs in the kingdom, to make enquiry by the oaths of 12 knights or legal men, in every county, what were the liberties of England in the time of king Henry his grandfather, and to make a return of them to London 15 days after Easter.—The next year, 1224, the king met the archbishops, bishops, earls, barons, and, says M. Paris, many others, summoned to appear at Northampton, to treat about the affairs of the kingdom: The king being willing to take the advice of his great men, concerning his foreign dominions, which the king of France had then in his possession. But their negociations were interrupted by a rebellion, which, at that time, broke out very near them. One Falcasius, or Fauke de Brent, had seized upon Braibrooke, one of the king's itinerant justices, for setting a fine upon him for committing much spoil and rapine in the country, and had imprisoned him in his castle at Bedford. The king and his great council being much scandalized at such a bold proceeding, ordered the castle to be besieged; which it was, and taken, and 24 of the garrison hanged up on the walls of it; the rebel himself found means to fly into Wales; but by the intercession of a bishop he was introduced to the king, fell down at his feet and implored his mercy; urging his former services

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for his pardon. The king, by the advice of his council, having first taken from him his castles, lands, and goods, committed him to the custody of the bishop of London till further orders. After this, the assembly granted to the king, for his great trouble and expences, 2s. of every plough-land; and the king, in return, granted the barons two marks sterling of every knight's fee, to be levied on their tenants.—In 1225, Henry kept his Christmas at Westminster, where it appears that the barons, &c. were summoned. Here it was, that in a very full assembly, of both clergy and laity, Hugo de Burgh, the king's justiciary, in the presence of them all, declared, 'the damages and injuries the king sustained in his dominions beyond sea; wherein, not only the king, but, also, several earls were thrown out of their possessions. That seeing many were concerned, the assistance ought to be proportionable; he therefore required their counsel and aid, that the royalties of the crown and their antient rights might be recovered; for the retrieving of which, he thought, the 15th part of all moveables, both of ecclesiastics and laics, would be sufficient.' This being moved by the chief justice, the peers, after some deliberation, returned this answer to the king, 'that they would readily satisfy his desires, if he would grant to them their long desired liberties.' To this the king consented, and charters were forthwith writ, sealed with the king's seal, and one directed to every county in England. To the counties, also, where there were forests, two charters were directed; one concerning their common liberties, and the other the liberties of the forest. The tenor of these charters are the very same with those of king John. A month after Easter, a day was set to choose 12 knights, and legal men, who upon oath should distinguish the new forests from the old ones: and whatever forests were found to be made after the coronation of Henry II. were forthwith to be disaforested. The council being ended, charters were carried to every county; and, by the king's command, every one sworn to observe them. The way and manner of levying this 15th was directed by the king; and because it is very particular to know how 15ths were raised in those days, dr. Brady has printed the record of it in the Appendix to his 'Complete History.' In this parliament, also, the barons granted the king the wards and marriages of their heirs; which proved what it was then called, by those who had a view into the consequences of things, *initium mali*.—The same year, in the month of March, another assembly of the great men was called; but nothing more was done at it than the trial of Falcasius, the rebel abovementioned; when the king, with the consent and advice of the nobles, condemned him to perpetual banishment.—Thus far matters went very even betwixt this king and his barons; but now, Henry, being arrived at manhood, wanted to knock off the shackles which were imposed, as he thought, on the royal prerogative, by the granting of the Great Charter, &c. notwithstanding he had, at his coronation, sworn to keep them inviolably, and had publickly confirmed this oath at several times after. To this purpose, in 1227, at an assembly of the peers, called to meet together at Oxford, the king told them, 'that since he was now arrived at a lawful age, for the future he would be released from the government of others, and take the reins of it into his own hands.' He then by his authority cancelled Magna Charta and Charta de Foresta; giving this reason, 'that those charters of liberties were made and signed when he was not his own master, but under the government of others, and consequently could not be valid, because he was not bound to keep what he was forced to promise.' This declaration, says M. Paris, occasioned great murmuring in the assembly; and all ascribed this act of the king's to the advice of his prime minister, Hubert de Burgh, at that time chief justice of England; who, adds our authority, was grown so much in the young king's favour, that no advice but his own was the least regarded. At the same time, it was told the churchmen, 'that the king intended to maintain their liberties, provided they would all take out new charters, esteeming the old ones as no ways valid.' And as a more mortal wound to the clergy, a fine was laid, not according to their abilities, but what the prime minister demanded, that they were obliged to pay.

In 1232 the king kept his Christmas at Winchester, and upon the 7th of March following he met the nobles, as well prelates as laics, at Westminster; to whom he declared, 'that his late expedition abroad had involved him in very great debt, by which he was now absolutely obliged to require a general aid.' To this demand, Ranulph earl of Chester, replied, in the name of the noblemen, 'that the earls, barons and knights who held of the king, in capite, had personally served him, and had been at great expence to no purpose; whereby they were reduced to poverty, and therefore of right they owed no aid to the king at that time.' Then the lay-lords, asking leave, departed. The prelates, &c. answered for their parts, 'that many bishops and abbots, who were summoned, were not yet come up; and therefore desired that it might be deferred, and a day appointed for all to meet together, and consult what ought to be done in that business." The king agreed to this, and the meeting was fixed to be 15 days after Easter.

Some time after this, a great storm was raised against Hubert de Burgh, the king's prime minister, and chief justice of England: he was accused of several high crimes and misdemeanors, recounted at large by M. Paris: that he had been guilty of several treasonable practices, and given treacherous advice to the king, much to the prejudice of both him and the kingdom: that he had procured Wm. earl of Salisbury, Wm. Mareschal earl of Pembroke, Falcasius de Brent, and Richard abp. of Canterbury, to be

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poisoned: and that he had gained the king's affections by sorcery and witchcraft. He was accused, also, of injustice, extortion, and rapine. All which extraordinary crimes were urged so home against the favourite, before the king, that he caused it to be publicly proclaimed in London, that whoever had any complaint against Hubert should come before him, and justice should be done to the offended.—On the 14th of Sept. the king summoned the bishops and other prelates of the church, with the nobility of the kingdom, to meet at Lambeth; by whom the 40th part of all moveables belonging to all bishops, abbots, priors, clerks and laymen, was granted to the king, for the payment of the debt which he owed to the earl of Britain. At this convention, also, Hubert de Burgh was required to give in his answer to the several articles preferred against him; as it had been stipulated by the king. But Hubert, says M. Paris, fearing that the king would put him to some shameful death, thought fit to abscond and shut himself up in a sanctuary amongst the canons at Merton, in Surrey; waiting for a time to give in his answer when the king was in a better humour. Henry, enraged at this, sent to the mayor of London to force Hubert from his sanctuary, and bring him before him dead or alive. The Londoners, glad of this opportunity to be revenged of Hubert, for hanging a favourite citizen of theirs, rung the alarm-bell, and instantly near 20,000 of the meaner sort were collected together, to whom the mayor read the king's letter, and desired them to be all ready in the morning to perform the king's commands. But some of the graver sort of citizens, dreading the ill consequence of raising such a mob, went to the bishop of Winchester's house in Southwark, and desired his advice, who told them plainly, that whatever came of it they must execute the king's precept. Struck with this strange episcopal advice, says Matthew, they retired; and accordingly, next morning, the same number of citizens, or more, appeared in arms, and, with colours flying, marched towards the sanctuary. Hubert, when he heard of this, gave himself up for lost, and throwing himself on his knees before the high altar of the church, recommended both his soul and body to God. But Randulph earl of Chester had hinted to the king, that if such tumultuous proceedings were countenanced, a sedition might be raised, that would not be easily appeased, adding that it would be a great reproach to the king abroad, when it was heard that he thus treated those who had been his favourites. The king was staggered at this, and immediately dispatched two messengers with letters to the mayor to revoke his former precept. The citizens were amazed at these counter orders; but, however, notwithstanding they missed of their prey, they all went quietly back to their own homes. These things happened whilst the aforesaid convention of the nobles was sitting at Lambeth, in order to have Hubert brought before them. Hubert, however, escaped the fury of his enemies for that time; and having soon after delivered up all his immense riches to the king, it so softened Henry's heart, that if he did not wholly forgive him, yet he granted him all his lands again; and Hubert only remained a state prisoner in the castle of Devizes for some time. In the place of Hubert de Burgh, Henry soon got a new favourite, ten times more obnoxious to the barons than the former. This was Peter bishop of Winchester, who with Peter de Rivall, his kinsman, now governed the king and all the public affairs of the kingdom. These men, being foreigners, invited over into England several Poictevins and Bretons, to the number of 2000 knights and servants, who were placed as garrisons in several castles; and to these the easy king committed the wardships of the nobility, which afterwards much degenerated by being ignobly matched to these foreigners. And when any Englishman complained of their burdens and oppressions to the king, they were hindered from any redress by the powerful influence of the bishop of Winchester. By these means, the flame that burnt so fiercely in his father's time was again lighted up in the kingdom; for Henry, having sent out his letters, says Paris, to call the barons together to a council, to be held on the feast of St. John, in the year 1233, at Oxford, the barons absolutely refused to obey the king's command, by reason that they feared the treachery of the foreigners, who then swarmed at court, and because they had conceived a just indignation against the king, for preferring the Poictevins to his own natural subjects. This refusal they had delivered to the king in a very solemn manner; who, being much exasperated at the barons for this affront offered to his authority, took advice of his lawyers how he should compel them to obey. The king was advised to summon them a 2nd and a 3rd time, to try whether they would appear or not. But one in the council being so bold as to tell him, that it would be to no purpose, nor would the barons ever obey his mandate, or he enjoy any peace, unless he would remove Peter bishop of Winchester, and Peter de Rivall, from his councils; the king sent again to his barons, to summon them to meet at Westminster, on the 10th of July following, and there, by their advice, he promised to amend whatsoever was amiss, or by right ought to be amended. But when the barons had heard that the king only sought to ensnare them; that he had actually got over from abroad a set of banditti, or robbers, with arms and horses for that purpose; they could see no signs of concord, and again refused to come to him; sending special messengers to the king, with this positive demand, "That if he did not, without more delay, dismiss Peter bishop of Winchester, with the rest of the Poictevins, from his court, they would never obey any of his summons; but instantly drive him and his evil counsellors out of the kingdom, and elect a new king." Henry was amazed, and his court terrified, at the haughtiness of this extraordinary message; but yet, by the advice of

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the bishop, he sought to repel force by force, seized upon several manors belonging to the barons nearest him, declaring the rest of them traitors, and that he would give their estates to his foreigners. However, the year after, 1234, the king was better advised, and the bishops and barons met him at Westminster, in order to settle, in this general council, the national disturbances. The abp. of Canterbury, with the rest of the prelates, went to the king and his council, and told him, boldly and openly, 'That if he would not consent to the conditions the lords had already proposed to him, and agree with his faithful subjects, that he, with the bishops, would immediately excommunicate him and all his evil counsellors.' The thunder of the church had a better effect on the king than the threats of the barons; and, says our author, he humbly and meekly answered the prelates, 'That he would do whatsoever they desired.' Accordingly, in a few days, he sent Peter bishop of Winchester to his see, there to take care of his flock, and never more to meddle with state affairs. Peter de Rivall he stript of all his castles and wealth, which he had unjustly acquired; affirming, with an oath, that if he did not instantly go into holy orders, and take a benefice, he would order both his eyes to be put out. Moreover, he banished all the foreigners from his court, and from all the castles they were possessed of, into their own country, commanding them never to see his face again. And thus, says Paris, the king, having dismissed all his evil counsellors, recalled to their obedience his natural subjects; and hoped, by the advice of the prelates aforesaid, to restore his harrassed kingdom to peace and tranquillity.

In 1236 another select council of the bishops and peers was called to Merton, where the king's marriage with Eleanor, 2d daughter of Raymond earl of Provence, was notified, and some foreign affairs transacted, of no consequence to our design. We call this a select meeting of the peers, because we are told that it was only composed of the abp. of Canterbury, the bishops of his own province, and the major part of the earls and barons. It was here, however, that the 'Statutes of Merton' were made and enacted, which have ever since formed a part of the statute law of England.

In 1237, whilst the king and his whole court kept Christmas at Winchester, the royal writs were sent out, says M. Paris, to every part of the kingdom, commanding all and singular archbishops, bishops, abbots, installed priors, earls, and barons, to appear, without delay, at London, on a day appointed, there to treat on the urgent affairs of the kingdom. Accordingly, an infinite number of the nobility, adds our authority, from all parts of the nation, came to London, imagining some matters of very great moment were in agitation. In Westminster-Hall they met, in order to know the king's pleasure; when a certain priest, called William de Kele, a domestic chaplain of the king, a man very discreet, and learned in the laws of the land, and one who was a sort of mediator betwixt the king and peers, stood up and delivered the king's will and purpose in this manner: 'Our lord the king commands me to acquaint you, that he will entirely submit himself to your advice, both in the present affair and hereafter. Nevertheless, he must inform you, that the people he entrusted with the management of his treasury have given in false accounts of the receipts. The king, therefore, finding himself destitute of money, without which a king is a cipher, craves help of you to supply him. In this manner, however, that what money you please to collect may be made use of for the kingdom's service, in a way that some of you, chosen for that purpose, may think proper.' Not one of this assembly expecting such a message, it was received with great discontent. The lords answered with great indignation, 'that he had promised and broke his word many and many a time with them; asserting, that it was derogatory to their honour to suffer a king so easily seduced, who never either repulsed any, or the meanest of the nation's enemies, or even alarmed them; who was so far from enlarging the bounds of his kingdom, that he rather streightened and subjected it to foreigners, to extort from them, by the same arguments, at so many different times, so much money, to the great detriment of his own subjects, and the benefit of strangers.' The king, finding his nobles in this temper, sought to soften them, lest the discontent should prove more general, by promising upon his oath, 'never more to injure or molest them, provided they would kindly grant him, for his present use, the 30th part of all moveables throughout the realm. He said that he had sent a great deal of money to the emperor, the most of it out of his own treasury, for the marriage of his sister.' To this it was loudly answered, 'that he did all those things without the advice or consent of his subjects; nor was it necessary that they should partake of the punishment who were no ways guilty of the crime.' The lords, after this, withdrew themselves into a private place, that they might be more at liberty to consult together on the exigency of this affair, and the king's demand. Whilst the lords were making this secession, Gilbert Basset, not careful enough of his words, adds our author, said openly to the king, 'My lord the king, send some of your own friends to go along with the barons to their consultation.' He sat whilst he said this very near the king. On the other hand, Rd. de Percy, much moved with this saying, stood up and answered him, 'What is it, friend Gilbert, that you say? Do you take us for foreigners, and not the king's friends?' Basset was reproved for his rash and indiscreet advice: nevertheless, by these debates, this meeting was prolonged four days.—At length the king again confirmed to all his subjects their Magna Charta, and swore to keep it inviola-

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ble; and because, says M. Paris, he did not think himself quite free from a sentence of excommunication, which Langton, then abp. of Canterbury, with the rest of the bishops, had denounced against all violators of that charter when it was made; he therefore declared, 'that if he went about to break this promise, by any new mischievous design, he should think himself under the full weight of the church's sentence.' By this declaration, adds he, the hearts of the whole audience were in a moment changed to the king's side; and, having appointed the earl of Warren, Wm. Ferrers, and John Fitz-Geofry, to be of council to him, he made them swear, "that by no gifts or reward they would be drawn from the truth; but that they should at all times give him such wholesome counsel as was only conducive to the good of himself and kingdom.' After which, the king's demand was granted, and the 30th part of all moveables was levied through the realm. The manner how this tax was gathered, by officers appointed for that purpose, may be seen at large in M. Paris.

The 14th of Sept. in this year was appointed by the king and the pope's legate, Ottoboni, for a meeting of the peers at York, to treat upon some great affairs that concerned the kingdom. The king of Scots met them there, to make an end of the difference depending between Henry and him. After much consultation and debate, it was agreed that the king of Scots should have 300l. lands by the year in England, for which he should do homage to Henry, but should not build any castles upon it, and was to quit all pretences to any farther claim.—Henry, having quickly got rid of his last supply, was obliged to use the same means to gain another. In the same year, another assembly of the peers was called to meet at Westminster, where the king laid before them his grievances, asserting by oath, that his money was all gone, and that he was scarcely worth a groat, and therefore demanded the same supply as the former. After some disputes and much murmuring, this demand also, being the 30th part of all moveables, was granted.

We meet with no other convention of the estates till 1242, when by the king's writ they were all, as before, summoned to appear at London, on the Wednesday before Candlemas Day. The old animosities were here raised again; the barons engaged one another by oath, not to consent to give any money at all; and when the king demanded it, they answered him with great bitterness, 'that such were his councils, and such his insolent manner of asking, that they would not do it; that he had fleeced and impoverished his subjects so very often, drawing his exactions into consequences, as if they were the meanest slaves; and all this money which he had extorted had been wasted scandalously; therefore they flatly told the king to his face, that they would not be so robbed and plundered any more.' The king, says Paris, well versed in Romish tricks and illusions, commanded them that they should wait to know his pleasure, on the morrow, on this and other matters; but in the mean time adds, that he drew them one by one into his closet secretly, in the manner that penitents go to confession to their priest; and there, what he could not do with them altogether, he strove to gain by fair speeches to them singly; promising, among the clergy, this man an abbey, another a priory, and so on, till he found he could make nothing at all of them, for not one of them would recede from the common answer which they had sworn to stick to. Henry, growing angry at their obstinacy, said, 'what, would you have me perjured? I have sworn by the blessed sacrament to carry my arms against the king of France, in order to reclaim my just rights; and without you grant me an ample supply, I am not able to perform it.' Yet neither by these, or any other words, could he gain upon them, notwithstanding the politic method he took to bring them over to his interest.—He then thought proper to call before him those of the barons that were his own officers at court, and spoke to them in this manner: 'What a pernicious example have you set to others? You, who are earls, and barons, and mighty men at arms, ought you, though others are intimidated, to tremble like a set of bishops and priests? You ought to be more eager to defend the rights of the crown, and by deeds of arms oppose yourselves against all its enemies. I called this assembly to strengthen and defend my rights, with a sure expectancy, that they would suffer my affairs to go on prosperously, after the example of Wales, where of late we so happily triumphed. And with what face can you leave me, your sovereign lord, with the heavy burthen of state upon me, so poor and desolate; especially when you know my promise to go abroad, and that I have sworn strictly to perform it.' When the purport of this speech was made known to the whole assembly, they returned the king this answer: 'Your majesty gives us great occasion to wonder into what gulph you have thrown that vast quantity of money which, by various and cruel extortions, you have raised, as well from churches kept vacant, as from the lands of the nobility, creating horror in the minds of the hearers. Besides, you have called over certain legates, or those that did the office of legates, into this kingdom, that, like gleaners after the vintage, have plucked from us all the money we had left. It is therefore less to be wondered at, that without the consent, or even advice, of the nobility of England, you have involved yourself in such difficult and dangerous negotiations; staking your faith to those that have none; and, despising the favour or esteem of your own subjects, you have brought yourself into a very doubtful state of fortune. The league that was made betwixt the king of France and you, and which you swore from your soul to keep inviolably to the end, being trans-



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acted also by your most noble brother, earl Richard, and earl Roger Bigot on your part, you have most dishonestly and scandalously broke.'—These, with some other matters, being urged home to the king, he fell into a very great rage, and swore bitterly, 'that he would not be hindered of his design by any thing they could say or do; but that he intended to begin the war in France in a very short space of time, let the consequence be what it would.' And thus, says our authority, this council was dissolved, with very great heartburnings on both sides. However, lest this answer of the barons to the king should be forgot or misconstrued, it was thought proper to reduce it into writing, which, being in the nature of a Protest, is the first of the kind we meet with. It is in these words:—

'Since, by the king's command, the lord archbishop of York, the rest of the bishops, abbots, and priors in England, by themselves or proxies; also all the earls, and most of the barons of England, have met at Westminster, on the Wednesday before the Purification of the Blessed Mary, in the year of our lord 1242, and in the 26th of the reign of Henry III. to hear the will and pleasure of the king, for which he summoned them. And the said lord the king, sending unto them the said abp. with the noble lord earl Richard, and master Walter of York, provost of Beverley, as his solemn messengers, to notify to them the king's mind and business, and to ask the advice and assistance of the lords, in sustaining his hereditary dominions beyond the sea, that regard his kingdom of England; therefore the said bishops, abbots, priors, earls, and barons, taking the king's message into their serious consideration, returned the king, by the same lords, this advice, viz. that the king should wait until the truce betwixt him and the French king was expired; and if the said king of France should chance to enterprize any thing against the form and tenure of the said truce, that then the said king of England should send unto him solemn messengers, to ask advice, and to put the said French king upon holding the said truce, and forbearing those enterprizes, if they were made by him or by his subjects. That if the said French king refused to do this, that then they freely, to this advice, would lend all their aid and assistance; which they all unanimously consented to. Likewise, that since he had been their sovereign lord, they had many times granted him supplies; and, the 30th part of all moveables, after that the 50th, at 4 times the tenth; a 40th part on all earnests on Lordes of land; many scutages, and one very great scutage, for the marriage of his sister to the emperor. After all this, truly, 4 years were scarce elapsed, but he again sought another aid; and at last, after much entreaty, a 30th was also granted him; with this condition, however, which he ratified by charter, that neither this nor any former exactions should stand as precedents for others. Besides this, the king had granted to them, that all liberties contained in Magna Charta should in a more ample manner be held through his kingdom; and to that end gave them a smaller charter, in which it is so included. Add to this, that our said lord the king, of his own free will, and by the advice of his whole assembly of barons, granted to them, that all the money rising from this 30th part should be laid up safely in the king's castles, under the guardianship of 4 English noblemen, the earl Warren, and others, by whose direction and advice the said money should be disbursed, for the service of the king and kingdom, whenever it was necessary. And because the barons never knew nor heard that the said money was expended by the advise and consent of the aforesaid lords, they do verily believe that the king is still possessed of that money, and therefore cannot now have occasion for more. They are likewise well acquainted, that since that time he has had so many escheats, as that of the archbishopric's of Canterbury, and other rich bishopricks of England, as well as of the lands of the deceased earls, barons, and knights, who held of him; that even by these very escheats he ought to have a large sum of money by him, if it was properly taken care of. Besides, from the time of giving that 30th part, his itinerant justices have not ceased to make their circuits through all parts of England, as well with pleas of forest, and with all other pleas; so that every county, hundred, city, town, and almost every village in England has been grievously aggrieved; and by these circuits alone great sums of money have been collected for the king's use. From all which they can well aver, that the kingdom is so burthened and impoverished, that they have little or nothing left for themselves. And because that our lord the king, after the grant of the last 30th part, never kept to his charter, therefore it more than usually troubled them; and since, by another charter, he granted that these exactions should not be made precedents; therefore they positively made answer to their said lord the king, that they would not, for the present, grant him any aid. Nevertheless, as they acknowledged him to be their sovereign lord, they should be willing to give him the best advice in their power, if he would carry himself well towards them to the end of the said truces.'

When the lords appointed for that purpose had waited upon the king with this answer to his demand, they returned to the assembly, and told them, 'that the king desired to know of them, what they proposed to do if the French king should break the truce before the expiration of it? They promised also, on the king's part, that if he had injured any particular baron, that he would make reparation, as the lord Peter of Savoy, and others of his council, should think fit to advise.' To this the lords replied, 'that if the king of France should break the truce, and would not forbear his encroaches, then their counsel was the same they had given to be done at the end of the truce, provided they

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were satisfied of the truth of these facts. As to that which related to particular injuries received from the king, they would not at that time enter into pleadings with him about them. That on the grant of the last 30th, the same thing was promised on the king's part, as well and faithfully, by Wm. de Kele; and how well the king had kept his promises, he himself best knew.'

In the year 1244, Henry summoned another assembly of the great men to meet at Westminster; and, sitting in state amongst them, in the refectory of the abbey, there, says M. Paris, 'with his own mouth asked a pecuniary aid from them.' The king's private intention was to reduce the king of Scots; but he openly pretended that, having by their advice passed into Gascony the year before, by that undertaking he had contracted great debts, from which he desired them to relieve him. The barons answered, 'that they would consult about his proposal.' The archbishops, bishops, abbots, and priors, withdrew by themselves to treat of this affair; and then they asked the earls and barons to consent to what they had resolved upon; who answered, that they could do nothing without the whole community. It was then agreed to by all, that from the clergy should be chosen this committee, the abp. elect, Boniface, of Canterbury, the bishops of Winchester, Lincoln, and Worcester: on the part of the earls, were cast Richard, the king's brother, earl Bygot, the earl of Leicester, Simon Montfort, and the earl mareschal: on the barons' part, Richard de Monfitchet, John de Baliol, with the abbots of Ramsey and Bury. What these 12 should do was to be communicated to the whole, that nothing might be offered to the king which had not the common assent.—Now, because the charter of liberties, which the king granted some time ago, and for which Edmund, the abp. of Canterbury, on behalf of the king, had sworn to observe, was in no wise kept; and because the aids that had so often been given before were not used to the advantage of the king and kingdom; and likewise, by default of the chancellor, writs were granted and issued, contrary to justice; therefore it was desired, 'that such a chancellor and such a justice might be chosen, as would fix the state of the kingdom on its old basis.' The king, lest he should seem to do any thing now by compulsion, would not grant the petition of the nobles; but promised, 'that he would amend what he had heard was amiss.' Upon this the assembly was adjourned for 3 weeks; and if, in the mean time, the king should, of his own accord, choose such counsellors that would manage the laws and rights of the kingdom to the satisfaction of the nobles, then they designed to give him an aid; yet so, that it should be expended to the advantage of the kingdom, by the advice of the committee of 12 before mentioned.—When the king saw that he could do nothing with them altogether, he tried the clergy apart again; and, having got the pope's letter to them, in which he required, admonished, and exhorted them to give the king a liberal donation of money; their answer was, 'that they were engaged, and could do nothing without the common consent of the estates concerned with them.'—The great men and prelates met at London, according to the time of adjournment, to treat about the demand of an aid; where the king again renewed to them, and promised entirely to keep, the charter of liberties which he had sworn to at his coronation; and gave the bishops leave, in their respective dioceses, to excommunicate himself and all others that should act contrary to its intent in any article. Yet, for all this, he could only obtain 20s. of every knight's fee, of those who held of the king *in capite*, towards the marriage of his eldest daughter; half to be paid at Easter, and the other half at Michaelmas following.—Henry met with somewhat worse treatment from another assembly of his barons, called also in this year, when the king, says Paris, with great earnestness, not to say impudence, demanded a pecuniary aid of those whom, adds the author, he had so often injured, in this manner, and laughed at them for it. But this we find, was as resolutely denied, with one accord, by the barons, even to his face.

In a parliament held at London in 1246, some severe laws were made against such as robbed parks or warrens. If the malefactor fled, and was killed in the pursuit, there was neither law nor appeal allowed for his death. If any earl, baron, or knight complained to the king that his deer were stolen, an inquisition was made by the king's writ: and, if he that was indicted was convicted of the same, he was to lie in the king's prison a year and a day; and to pay three years value of his estate, leaving just sufficient allowed out of it to maintain him; after which the king was to have two parts, and he that received the injury one; then the convict was to find 12 sureties that he should never do the like again, in parks, warrens, nor forests, nor do any other thing against the king's peace; of all which his sureties were to answer for his body and transgressions. Also, if any one was taken in a park, or warren, without the king's writ of inquisition he was to be imprisoned, fined, and to give sureties as before.—But, in the same year, 'a most general parliament,' (says M. Paris) of the whole kingdom met at London, according to summons, relative to an ecclesiastical affair of the utmost consequence to the nation. It seems the pope had been strongly solicited by the king to remove several grievances which were greatly complained of, and which he had promised to reform. The substance of these grievances were—'1. That the Pope, not content with the payment of Peter-Pence, oppressed the kingdom, by extorting from the clergy great contributions, without the king's consent; against the ancient customs, liberties and rights thereof; and against the appeal of the prelates of the kingdom, in a general court;

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'cil at Lyons.—2. The church and kingdom were greatly injured in that the patrons of churches could not present fit persons to them, because they were given by the Pope's letters to Italians, who understood not the English language, and carried all the money out of the kingdom, to the great impoverishment of it.—3. The nation was oppressed by the Pope's exaction of pensions from churches, and by Italians succeeding Italians.—4. The English were forced to prosecute their rights, out of the kingdom, against the customs and written laws thereof; and against the indulgences granted by the Pope's predecessors to the king and kingdom of England.—5. The church and kingdom infinitely suffered by reason of the clause of *non obstante*, which weakened and enervated all oaths, antient customs, written laws, grants, statutes, and privileges. And, 6. That in the parishes where the Italians were beneficed there were no alms, no hospitality, no preaching, no divine service, no care of souls, nor any reparations done to the parsonage-houses.'—The king, in consideration of these papal usurpations, had summoned this parliament; and at the meeting conferred with the bishops apart, the earls and barons apart, and the abbots and priors apart, in order to find out their sentiments and the properest way to get these grievances removed. The result of all was to try the mildest way with the holy father; and it was agreed that the king should write singly to him, the bishops by themselves, the earls and barons by themselves, and the abbots and priors by themselves. All which letters are preserved by M. Paris, and by their humble and submissive stile, evidently shew that the fear of the vatican thunder, bulls, and interdicts, was terrible in those days. Notwithstanding these reasonable remonstrances to the see of Rome, we do not find that they produced any effect, for the grievances complained of continued, through the course of this whole reign.

In 1248, another assembly of the nobles was called, by the king's writ, to meet at London, in order, says our author, to treat of the affairs of the kingdom, at that time sadly disturbed and much impoverished. The old demand, the want of money, was again urged, and the same murmurings began on the part of the barons against it. They said, 'They admired the king did not blush at making such a demand of them; because he had given them his charter, when the last demand was granted, to which the lords scarcely consented, that he would not again load his subjects with such exactions: that he was greatly to blame for his indiscreet calling over of foreigners, on whom all the good things of the kingdom were scandalously and prodigally wasted; that even the daughters of the nobility were by his means married to ignoble strangers, without their mutual consent, which is the cement of matrimony; and his own natural born subjects set aside and despised. He was blamed, also, says M. Paris, that whatever in eatables, drinkables, or even in his robes, but particularly in wines, that he used, his custom was to take them by force from the lawful owners and venders of them; by these means greatly injuring his own subjects, as well as foreign merchants who brought goods into this kingdom. That the nation was scandalized and impoverished, the merchants got nothing from the king but law-suits, or some mean trifle in return, whence thousands of terrible curses are called down on him, to the danger and disgrace of the whole kingdom. Moreover, that, in order to get greater gifts and premiums from these merchants, he had seized upon their wax, silks, and other merchandize, in order to make them pay for the return; to the dishonour of himself and the whole kingdom; and not without grievous offence to God. That in all these things he so tyranized, and studied to be cruel, that even the poor fishermen on the sea-coasts, who take herrings, or other fish, were not permitted to dispose of them according as they liked, nor dare the inhabitants of the towns on the sea-coasts purchase them, but the poor men thought it safer to put to sea with them, even in stormy weather, in order to dispose of them in foreign markets. That these miserable traders were so cruelly treated by the king's collectors, that punishment was added to loss, for after receiving injury upon injury in their proper persons, their carts and horses were taken away from them, and driven into secret places. That he kept in his hands several rich bishopricks and abbacies, founded by their pious and noble progenitors, and made himself both guardian and governor of them, to their utter destruction; contrary to the solemn oath which he, principally, swore at his coronation. Lastly, the king was very much blamed, by all and singular the complainants, that he had neither chief justice, chancellor, nor treasurer in his council, as he ought to have, and as his most noble predecessors had before him; but those officers he had were allowed to do their own will and pleasure, provided he gained thereby; not promoting the public good, but seeking, only, their own preferment, being suffered to get as much money as they could, provided his customs and rents were but first paid.'—The king, when he heard all this, was much confounded within himself, and ashamed, says M. Paris, because he knew it all to be very true. He promised, therefore, 'That, certainly and truly, all these faults should be amended;' hoping by this humility, though it was feigned, to bend their hearts to the granting his demand more easily. But the barons, more exasperated at this seeming complaisance, answered again, 'All this will be made manifest in a little time; we have waited hitherto patiently, and as our king carries to us, so we in all things will behave towards him.' Thus, adds our author, matters were delayed and postponed, from Candlemas, when this convention met, to the feast of St. John the Baptist, to which time they were prorogued. In the mean while the king became more har-

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dened and more exasperated against his barons; so that the aforesaid grievances still remained unredressed. At the day appointed all the nobility met again at London, and were received by the king with the following speech:

'My lords and peers of England—You are all of you willing, I find, to have my mind bent to your own wills, and have not treated your king at all civilly, in this matter. You would have me submit to your pleasure, and yield to any terms that you think fit to offer. By this you impose a very slavish condition on me, and deny me that liberty and authority which every master exercises in his own family. For surely, every master of a family may use whose and what counsel he pleases; and, in his own house, put in or put out what officers he thinks fit; yet all this you presume to deny to your lord and king. As servants, therefore, ought not to judge or impose any difficulties on their masters, so neither should vassals any on their prince. The servant is not above his lord nor the disciple above his master; and what is your king more than your servant, if he is to obey your commands? Therefore my resolution is, neither to remove the chancellor, justiciary, nor the treasurer, at your pleasure; nor will I appoint any other. I expect a sufficient aid of money from you for the defence and recovery of my rights beyond sea, in which you are also equally concerned.'—To this speech, the barons unanimously returned this short answer, 'That they would no longer impoverish themselves, to enrich foreigners; as they had formerly done, when they gave money for the king's expedition into Gascoigny and Poictou.' And thus this parliament was dissolved without any satisfaction either to their sovereign or themselves: but the king was hereby reduced to so great a necessity, that he was obliged to expose to sale his jewels, plate, and other rich utensils of his house.

In March, 1251, a great parliament was held at London, in which Henry de Bath, chief justice of England, was called upon to answer to several crimes and misdemeanors alledged against him. The king himself was his prosecutor. He was very angry with the justice, that he came thither, as it were, guarded, by a great number of armed men of his wife's kindred and his own, as well as all his servants; he accused him more highly than the rest, laying to his charge, amongst other things, 'That he was a disturber of the whole kingdom, by exasperating all his barons against him, from which a general sedition might be expected.' Therefore the king caused it to be proclaimed by the common cryer at London, and in court, that if any person had any cause of action, or complaint, against Henry de Bath, they should come into court before the king's presence, and there they should be fully heard. By these means many complaints were urged against him; and one of his own brother justices openly protested, that he suffered a very great villain, imprisoned and convict, to escape unpunished, having received several rich gifts for that purpose. Upon which, says M. Paris, the king, being much provoked, mounted up on high, and called out with a loud voice, that 'if any man whatsoever will kill Henry de Bath he shall be acquitted of his death, and I pronounce him acquitted accordingly; and then the king withdrew hastily. There were many present, adds Paris, that would have done this lord of Bath's business for him soon, had not the lord John Mansel interposed, and prudently checked their fury. 'My lords and friends, said he, I am not against prosecuting him, but it is not necessary at all to be thus in anger; perhaps our lord the king by this time repents his rash expression. Besides, if you lay violent hands on Henry, behold the bishop of London will excommunicate you, and his military friends may revenge his death.' Thus, in a great measure their fury was appeased; and earl Richard, with the aforesaid bishop, taking up the matter, things were carried with more moderation against him. The king being afterwards privately informed, that there might be some gain in the case, and a certain sum of money being promised, the prisoner was released both from death and bondage; and in a short time after, on the payment of 2000 marks, was reconciled to the king, and entered again into his office, as if nothing had happened.

In another great convention of the estates which met at Westminster, in 1252, and continued, by adjournment, till after Easter, in the year following; the exactions of the pope on the clergy of England was the great subject of complaint; in regard that besides his other claims, he had now demanded a tenth of all the goods of the clergy for his own use. The history we quote from does not mention what was done to alleviate this complaint; and only adds, that at the next meeting, by adjournment, a curse was denounced, in the most solemn manner, by the abp. of Canterbury, and 13 other bishops, in Pontificalibus, against all persons who sought to infringe the liberties of holy church, and those of the great charters. This ceremony was performed before the king in the great hall at Westminster; the form of the Anathema itself is preserved in the annals of Burton, under this year.

The next year Henry went with an army into Gascoigny, and there recovered what had been taken from him in that country. During his absence, in 1254, another parliament was held in London, to which came, as special messengers from the king, the earl mareschal Roger Bygot, and Gilbert de Segrave: there were present at this meeting the queen, Rd. earl of Cornwall, the earl of Winchester, and all the bishops of England, except the two abps. and the bps. of Durham and Bath, who were with the king in Gascoigny. The assembly being all met, the king's prolocutor and messenger rose up and said—

'My lords and friends,—In whose breasts the king our master places his confidence, not hath he any other refuge to fly to but to his

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faithful subjects. You all know very well how he has exposed himself, with courage and constancy, to the dangers of the sea, and to the uncertain fate of war, for the good of his kingdom. He found abroad the enemy very formidable and strong against him; some part of them he has already subdued, and the rest he hopes to conquer. The king of Castile, whom he expected to have found his very good friend, as well as kinsman, was his bitterest enemy, and proved very unfaithful to him: to whom the Gascoigns were greatly inclined, and would rather have a Spaniard for their king, than their own natural lord; therefore, the king being in a great strait, demands from you a powerful and sufficient aid to assist him.'—Earl Richard first answered, and testified his steadiness, says Paris, in this memorable saying, 'I that am more powerful and more obliged than the rest of you, will assist my lord and brother as much as I can, and therefore I will keep, at my own expence, 300 soldiers, by the year, to fight for him.' The earl of Gloucester promised, also, an aid to the king, according to his power; adding, 'that he would in no wise help the king to conquer countries, but would assist him against the king of Castile if he assaulted him.' In this manner, also, earl Richard couched his promise, saying, 'if things really be as they are reported.' At these words the whole assembly took fire, and discovering the snare that was laid for them, immediately broke up without doing any thing; and earl Richard sent an account of it to his brother.

In the same year, another assembly of the nobles was called to meet at London, to whom the king, under his royal signet, sent an account of his extreme want of money; in order, as he said, to enable him to withstand the force of a very great enemy coming against him. To this he was answered by all and singular, says Paris, 'that they had waited now full three weeks in London, in expectation of seeing earl Richard, and the rest of the nobles who were gone over to the king into Gascoigny; and that they were so often grieved with these exactions, that they could not live under them. That they would not refuse to go to the king's assistance in person, if they were better assured that the king of Castile was coming against him as an enemy. Though they could but wonder, that when Simon earl of Leicester went into Gascoigny and subdued a great party of rebels, that the same king of Castile did not at that time assist them, in opposition to the interest of England.'

In 1255, soon after the king's return from abroad, another parliament was called to meet at London. The king acquainted them with the great debts he had contracted, and that without their assistance he could not discharge them, and therefore, with much earnestness demanded a pecuniary aid for that purpose.—This parliament proved full as resolute against the king as any of the former. They began with recounting old grievances; and withal demanded that the chief justice, chancellor and treasurer might be chosen by the common council of the kingdom: as had been justly and anciently used; and likewise that they might not be removed but for the most apparent crimes, and by the deliberation and consent of the whole kingdom. Concluding with this extraordinary expression, 'that they should never be able to bind their Protens of a king, without he granted all that they demanded.' But this the king resolutely refused; on which the barons declared that business should be deferred until the Michaelmas following; and this council was dissolved for that time.—The same year, on the feast of St. Luke, the nobility met again, by adjournment, at Westminster. Here the king first attacked his brother Rd. earl of Cornwal, and earnestly pressed him to give him an aid of money; to whom the pope also had wrote, requiring him to lend his brother 40,000 (without saying whether pounds or marks,) that he might set a pious example to others. But Richard, regarding his money more than either his brother's want or the pope's letters, refused him the loan. And when the king moved the matter to the rest, they replied, 'that at that time all had not been summoned according to the tenor of their great charter, and therefore they would then make no answer or grant any aid without the rest of the peers.' This parliament, says Paris, by many fictitious delays, was continued a month, whilst the nobles were emptying their purses at London, and then returned home without doing any business.

In 1257, another parliament was called to meet at Westminster, in order to treat of the business of Apulia. To this meeting, says Paris, came such a multitude of persons, of all sorts, that London scarce could contain them. It seems that the crown of Sicily, and the small territory of Apulia, in Italy, had been offered to prince Edmund the king's second son, by the pope the year before; provided the king would recover Sicily from the hands it was then in. This had been refused by the states, as a foreign country, not worth the trouble and expence of recovering; and Apulia now was rejected in the same manner, though the king came in person to this parliament with his son Edmund, clad in an Apulian, or Italian habit, says Paris, in order to induce their compliance. In this parliament Richard earl of Cornwal, the king's brother, took leave of the peers, and soon after set out for Germany to be crowned king of the Romans; to which dignity he had been elected some time before.

In 1258, parliament was again summoned to meet at London. The king was pressed by the pope on the subject of Apulia, for it seems he had sent a kind of a legate to demand the money, which, upon the king's request, he had obliged himself to pay to the merchants for that business. The king demanded a very large sum to clear himself of this matter; which the barons still denied to assist him with. And in this parliament there arose great heats

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and contentions between the king and the barons, who made great complaints against him. They said 'that he slighted the keys and power of the church, and did not observe the tenor of his great charter; that he had raised to dignities and riches his half brothers, against law and right, as if they had been the natural people of the land, and would not suffer any writ to issue out of chancery against them. That although the pride of his brothers and other Poictevins was intolerable, yet Wm. de Valence exceeded them all.' Simon Mountfort, earl of Leicester, taking his advantage of these disputes, complained aloud, not to the king, but to the whole assembly, 'calling for justice; and charged the king with promoting and enriching strangers, despising and wasting his own people, to the subversion of the whole kingdom; by which means he became unable to repel the injuries of so inconsiderable a people as the Welch.'—These heats and debates continued for some time, when the parliament was adjourned to be holden at Oxford on the feast of St. Barnabas following. But, before the adjournment, the barons promised the king, 'that if he would reform the state of the kingdom, according to their advice, and the pope would make the conditions about the affair of Sicily, &c. more easy, so that it might be prosecuted with effect, they would then endeavour to procure him a common aid, or tax, for that purpose.' The king agreed so far, that before Christmas the state of the kingdom should be rectified by them, and the pope's legate, if in England. And for the performance of what should be ordained, he put himself into the pope's power, so as he might compel him to it, which way he pleased, by ecclesiastical censure. And to this he made his son Edward swear that he would observe and keep what he had granted.—At the same time he likewise granted to the barons, that the state of the kingdom should be rectified and reformed, by 12 faithful persons of his council then chosen, and 12 others to be chosen by the barons, who should meet at Oxford, a month after Whit-Sunday, next coming, to do every thing that they should see fit to the honour of God and the good of the kingdom. The king promised inviolably to observe whatsoever should be ordained by those 24, or the majority of them, under such security as they should direct. He made his son Edward swear, also, to these articles, and that he would inviolably keep and observe them; whereupon, says M. Paris, the earls and barons, on their parts, promised to endeavour that the parliament should grant him an aid. These 24 had power to elect 4 that were to choose the king's council, which was to redress and amend all matters appertaining to the king and his kingdom; and the council, or the greater part of it, was to choose one or more in the place of such as should make default.

On the feast of St. Barnabas all the great men and nobles arrived at Oxford, according to their adjournment; but came attended by all such as owed them military service. They sought to cover this proceeding by saying, that they came thus armed in order afterwards to go and attack the king's enemies, the Welsh; but their true reason was, for fear of the king's half brothers and the Poictevins drawing them into a snare. However, matters went better than they imagined; for in this parliament all the elections mentioned before were made, and 24 persons were chosen to amend and reform the kingdom.—The noblemen who composed the grand committee of 24 demanded of the king: '1st, his confirmation of the charter granted by king John, his father: 2nd, that such a justiciary should be constituted, as would do justice to such as suffered wrong, as well to the poor as the rich: 3rd, that they should choose the judges, chancellors, treasurers, and other officers and ministers, from year to year, for ever: 4th, that they themselves, or friends, should have the custody of the king's castles: 5th, by edict they made it capital for any, of what degree or order soever, to refuse to consent to these things; and against such the abps. and bishops also pronounced sentence of excommunication.'—Those 24 also ordained, that there should be three parliaments in a year, and when and how they should be holden: this order, translated from the original French, is as follows: 'Be it remembered, that the 24 have ordained, that there shall be three parliaments in a year; the 1st on the Octaves, or 8 days after St. Michael; the 2nd on the morrow after Candlemas Day; the 3rd on the first day of June, that is, three weeks before St. John. To these three parliaments shall come all the chosen counsellors of the king, whether summoned or not, to provide for the state of the realm, and to treat of the common business of the realm, when need shall be, by the command of the king or by his summons.'—The whole community then chose 12 persons to represent them in these parliaments, &c. to save the charges of the community. The entry or record of which election was to this purpose: 'Be it remembered, that the community have chosen 12 wise men to come to parliaments, and at other times when there shall be need, when the king and his council shall command or send for them, to treat of the business of the king and realm; and that the community will hold for established what the 12 shall do; and this shall be done to spare the cost or charges of the community. Which 12, *viri probi vel prudentes*, as the record has it, were entered in this form: 'These are the 12 which are chosen by the barons, *cum par les Barons*, to treat in the three parliaments in a year, with the king's council, for all the commons, or whole community of the land, *pur tut le comun de la terre*, upon public business.—Many other provisions were made in this parliament relative to feodal tenures, custody of wards, marriages, and reliefs; suits to the king's courts before justices itinerant, county courts, hundred courts, sheriffs' turns, writs of right,

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waste of estates in custody, taking of distresses, &c. 'all in abatement,' says dr. Brady, 'of the rigour of the feudal law, and for their own ease and benefit.'—All this was done, and commissions for the government of the king's castles were issued out in eleven days' time, as appears by the record of them, printed in dr. Brady's Appendix, No. 191, 2, 3, to which we refer the curious reader.

Early in 1265, and the 49th of the king's reign, was the famous parliament called; which, with another in the 18th of Edw. I. were certainly the models of our present English parliaments.—The business of this parliament was chiefly to treat about prince Edward's release, at that time a prisoner in Dover castle.—On the 8th of September, the king called a parliament, to meet at Winchester; where, by their advice, the liberties of the city of London were seized, and the greatest offenders committed to prison, to be punished at the king's pleasure. This parliament gave the king also all the rebels' lands; and, by their advice, he appointed two commissioners in each county, who, with the sheriffs, were to extend them, and return the extent, with the names of the lands and their owners, to him at Westminster, by the 13th of Oct. following. The commission bears date at Winchester, Sept. 21; and Paris adds, that the king disinherited all those that stood for Montfort against him and gave their lands to those who had faithfully served him.

This severe sentence on the earl of Leicester's followers was strictly put in execution; but the cry of the sufferers was so great, that it induced the pope's legate, Ottoboni, then in England, to take their case into his protection. To this purpose he requested the king to call a parliament, which he granted, and it was summoned to meet at Kenelworth, Aug. the 22nd, 1266. Here it was agreed, by the common assent of the bishops, abbots, priors, earls, barons, and all others, that six persons, viz. the bishops of Exeter and Bath, and Worcester; sir Allan Zouch, sir R. de Sumery, and Sir R. Walerand, by their oaths there made, should choose six others, who would, according to their judgments, do the best for the security and peace of the land. To these 12 were committed the case and facts of the disinherited, with full power from the king and parliament to hear and determine all matters concerning it; which determination was called the *Dictum de Kenelworth*. If there arose any difference between the 12, that was only to stand good and firm which received the assent and approbation of the legate, and Henry, son to the king of the Romans; and they were to finish their work by the feast of All Saints.—This determination and award was made to better the condition of the disinherited, and to turn the forfeitures and loss of their estates into a composition for them; and therefore, 'all who began the war and persevered in it; all who violently and maliciously kept Northampton against the king; all who fought against the king at Lewes; all who were taken at Kenelworth under the command of young Simon Montfort, had plundered Winchester, or were in any other place against the king, which he had not pardoned; all fighting against him at Evesham; all that were in the fight at Chesterfield; all that freely sent their service, that is, horse and arms, against the king or his son; all bailiffs and servants of the earl of Leicester, that plundered their neighbours; burnt their houses, or killed them, or did any other mischief; all were to pay 5 years rent of their lands, and if they paid it, they were to have their land again. The earl Ferrers and Henry Hastings were to pay 7 years profits of their lands. Those who had committed lesser crimes than the above recited, compounded, or were fined 3, 2, 1, or half a year's rent of their lands, according to the nature of their offences; those who had no lands were fined in goods. All obligations, writings, or instruments, made by the king, or his son, concerning the Oxford provisions, or made or entered into by any of the king's faithful subjects, by reason of the troubles, were made null and void by this award: whereby it was declared, that the king might and ought to exercise his royal power and authority without the let or contradiction of any one; by which, contrary to the laws and customs of the land, which had long subsisted, his royal dignity might have been injured; yet the great charter, and charter of the forest, were to remain in full force by this judgment. The commissioners also requested the king and legate, that under danger of corporal punishment and ecclesiastical censure, they would strictly forbid any to speak of Simon Montfort as a saint, or to spread the vain and foolish miracles reported of him. This award, or *Dictum de Kenelworth*, was finished in the castle of Kenelworth, on the 31st of Oct. 1266, and the 50th of the king's reign.

In 1267, Henry called another parliament to meet at St. Edmundsbury, where, says the continuator of M. Paris, were summoned to appear the earls, barons, abps. bps. abbots, and all that owed him military service, with their horse and arms, to go against those rebels who had got into the Isle of Ely, and still held it out against him. The same author has given us an exact account of the king, with the Pope's Legate who was then with him, and what demands they made for a supply from the clergy, with their answer to each article. 1. It was demanded, 'That the prelates and rectors of churches should grant them the tenths of their churches, for 3 years next to come, and for the year last past, as they gave the barons for keeping the coasts against the invasions of strangers.' To this it was answered, 'That the war began by unreasonable desires, and did then continue, and therefore it was necessary to forbear repeating the like demands, and treat of the peace of the kingdom; and make use of the parliament to the benefit of the church and kingdom; and not to extort money, especially, when the nation was so much destroyed by the war, that, if ever, it must be a long

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time before it could recover itself.'—'2. That the churches might be taxed by laymen according to their true and highest value.' To this it was answered, 'That it was not reasonable, but contrary to justice, that laymen should meddle with collecting of tenths; nor would they ever consent to a new way of taxing, but that the old should stand.'—'3. That the bishops and abbots should pay the tenths of their baronies and lay-fees, up to their true and highest value.' Answered, 'That they were impoverished by depredations and plunderings; that they followed the king in his expeditions, and spent so much money that they were grown very poor, and that their lands laid uncultivated by reason of the war.'—'4. That the clergy, in common, should give to the king 30,000 marks, for the aforesaid tithes, which a certain legate had claimed for the use of the court of Rome, for the debts contracted in Sicily, Apulia and Calabria, in the name of the lord Edmund, the king's son then present.' Answer, 'That they would give nothing, because all these taxations and extortions first made by the king, were never expended to the use of the king and realm.'—'5. That all clerks holding baronies or lay-fees, should go armed in their own persons against the king's enemies, or find so much service as belongs to their lands or tenements.' To this they answered, 'That they ought not to fight with the material but spiritual sword, that is, with their prayers and tears. And that by their benefices or fees they were bound to maintain peace, not war. That they held their barony in *Frank Almoign*, in pure alms, and therefore owed no military service, but what was certain; and would not perform any that was new.'—'6. That with all speed the expedition of the cross might be preached through the whole kingdom.' To this it was answered, 'That a great part of the people had been killed by the war; that if now they should undertake the crusade, few or none would be left to defend the nation.'—'7. That the prelates were absolutely bound to comply with all these demands, on the oath which they had taken at Coventry, that they would assist the king by all the ways they were able.' To this they, also, answered, 'That when they made that oath they only meant it of spiritual help and wholesome counsel.'

In 1269, Henry called the last parliament in his reign, being summoned to meet at Marlborough the 19th of Nov.; in which, by the assent of the earls and barons, were made the statutes of Marlborough.

*Taxes in this king's reign.*

The parliament called at Northampton, in 1224, granted the king 2s. of every plough land; and the king granted the barons scutage, two marks of every knight's fee. The parliament called at Westminster, granted the king a 15th of all moveables in the whole kingdom, for the grant or confirmation of Magna Charta. In the same year a 40th part of all moveables was granted. In 1226, the king wrote to his foreign bishops and clergy to give him a 15th of all their moveables, as the bishops and clergy of England had then done. The next year he compelled the city of London to pay him 5000 marks, because they had given as much to Lewis late king of France, when he left England; and levied a 15th. At the same time he took from the burgesses of Northampton an aid of 1200l. besides one 15th. He likewise forced all religious and beneficed clerks to pay a 15th, as well out of their spirituals as temporals; and they who were unwilling to pay, were compelled either by the king's authority or ecclesiastical censures. Soon after this, the religious and others had notice, that unless they renewed their charter, the old ones should be of no advantage to them; and for the renewal every one paid according to his faculty, at the discretion of the justiciary. In 1230, archbishops, bishops, abbots and priors gave a great sum of money for recovering the king's rights beyond sea. At the same time he put the citizens of London to grievous redemption; and forced the Jews to pay him a 3d part of what they were worth.—In 1231, the king required a scutage of three marks of every knight's fee, of all that held baronies, as well prelates as laics.—In a parliament held at Lambeth, in 1232, a 40th part of all moveables, as well of ecclesiastics as laics, was granted to the king, and was collected very soon after.—In 1235, he had 2 marks of every plough-land, for the marriage of Isabel his sister to Frederic emperor of Germany, and gave with her 30,000 marks for her portion.—In 1237, a 50th part of all moveables was granted to the king.—In 1242, the king required a scutage of 3 marks from every knight's fee through all England. So says M. Paris, but others say only 20s.—In a parliament held at London, in 1244, 20s. of every knight's fee was granted to the king, for the marriage of his eldest daughter.—In 1253, the clergy granted the 10th of all ecclesiastical revenues for 3 years, and the nobility 3 marks of every knight's fee, for the relief of the Holy Land, on the king's confirmation of Magna Charta.—In 1267, 3 years tenths of all church revenues were granted to the king by the pope.—And in 1270, a 20th part was granted the king. (See M. Paris.)

## EDWARD I.

The first parliament called by royal authority in this king's time was in the third year of his reign. They met at Westminster in the beginning of May 1275; the chief occasion of their being called together was to settle the affairs of the kingdom before that Edward made war upon the Welsh; whose prince, Leweliyn, was summoned to appear at it, and do homage to the king, as his vassal and subject. The Welsh prince neglected the summons, and sent for excuse, 'that the king having shewn, on many occasions, an extreme animosity to him, he would not trust his person with his declared enemy. Nevertheless, he offered to do him



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homage in his own country, if the king would send commissioners thither to receive it; or else in some third place, where he might be without danger. He offered likewise to come into the king's territories, provided he would give him the prince his eldest son in hostage, with the earl of Gloucester, and the lord high chancellor.' This answer greatly provoked the king; but yet he dissembled his resentment for the present, that he might not interrupt the necessary business of the session. And indeed this parliament was employed in affairs of great importance; that is, in enacting excellent laws for securing the peace and liberties of the people, as well as the immunities of the church and privileges of the clergy: these were called the 'Statutes of Westminster the first,' and contain in the whole 51 chapters.

The same year, 1275, another parliament was called to sit at Westm. Oct. 6th, in which statutes were made to restrain the excessive usury of the Jews; and it was also enacted, that they should wear a badge upon their upper garments, in the shape of the two tables of Moses's law. On the 18th of the same month they met again, and granted the king a 15th upon the clergy and laity, by the common consent of the abps, bps, earls, and barons. This money or subsidy was given, says Wikes, to defray the expence of the king's crusade. Another writes, that it was said by some to be for novelty sake, or for a good beginning. However, doctor Brady has published an act of the king's, whereby he declares, that this gift of the clergy proceeded only from their free good-will, and that it should not be drawn into consequence for the future.

In 1276, the king convened his nobles, &c. again to Westminster, on the affair of Lewellyn; when, upon an open hearing of the matter, the prince was judged guilty of felony, and war was immediately proclaimed against him. At this juncture the king gave orders for levying the 15th granted in the last parliament on the clergy and laity; and issued out his orders for the exact observance of the charter of liberties and the charter of the forests.—The same parliament met again at Winchester this year, and again at Westminster on the 4th of Oct.; when, amongst other laws, the Statute of Bigamy was enacted.—At this parliament the king confirmed the Charters of Liberties and Forests; and ordered that it should be proclaimed all over England, that they should be strictly observed.—There is mention made of another parliament, said to be held in 1277, after the king's expedition into Wales, in which the laity granted the king a 30th part of their moveable goods towards his charges. Tyrrel observes, that this parliament is not expressly mentioned on the Rolls; which shews, adds he, that there were many more parliaments than we can now find upon record.—In 1279, another parliament was summoned to meet at Westminster, when an affair of great importance to the interest of the whole nation came before them. The clergy, ever since the first introduction of Christianity into this island, had been accumulating lands and riches. The enormous bulk of their present possessions, and what they were daily acquiring from the mistaken charity of that age, made it justly suspicious that in another they might engross the whole. Besides, it was well known, that whatever lands they gained this way, they were from thenceforth unalienable, and a dead hand laid on them for ever. The laity had been long desirous to stem this torrent; but wanted a king of resolution enough to despise the Vatican thunder, and effectually put a stop to these dangerous proceedings. Such a king they found in Edward I. and a parliament was called in this year for that purpose. They met at Westminster, in the beginning of Nov. by the king's appointment; and when he made the proposal, it was received by the laity with universal joy; nor durst the clergy oppose it, for fear a heavier blow should fall upon them. In fine, it was enacted, 'that from henceforth none should either give, sell, bequeath, or change, or, by any title whatsoever, should assign any lands, tenements, or rents to any religious body, without licence from the king had for that purpose.' This statute was called the 'Statute of Mortmain', because it was intended to prevent estates from falling into dead hands, that is, hands of no service to the king or the public, without hopes of ever changing their owners. Nor did the king end here; for in the second statute of Westminster he confined the jurisdiction of ecclesiastical judges to narrower limits; and required one half of all their goods, both temporal and spiritual, for one year; at which, though they were very much vexed, yet they were forced to comply with the king's demand; because, their discontent being discovered, a knight, called sir John Havering, came, by authority no doubt, amongst them into the Monks' Hall at Westminster, and said, 'rev. fathers, if any of you dare to contradict the king's demand in this business, let him stand forth into the midst of this assembly, that his person may be known and taken notice of, as a breaker of the peace of the kingdom.' At which speech they all sat silent, and made no opposition to the king's demand, as they had often done in the time of his father.

About this time Edward was busy in his conquest of Wales, which he soon after fully accomplished. Lewellyn, their prince, was slain in the open field, and his whole army routed upon the spot: David his brother was soon after taken prisoner and brought to the king to Shrewsbury. Here it was that a parliament was called on that occasion, Sept. 30, 1282, which condemned David to die the death of a traitor. This rigorous sentence was executed with all the circumstances attending that infamous punishment. His head was fixed near that of the prince his brother, and his four quar-

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ters were sent to York, Bristol, Northampton, and Winchester. The king, in summoning this parliament was more explicit than ever he had been before. The writs of summons are still extant on record; the first of which is to the lords to meet the king at Shrewsbury, on Sept. 30. The second is directed to the sheriffs of every county in England, to cause to be chosen two knights for the commonalty of the same county; as also a third directed to several cities and boroughs, and a fourth writ to the judges. (See Rymer's Fœdera, t. 2. p. 247.)—Shortly after another parliament was called, the better to secure the possession of the recently conquered country. The parliament met May 24, 1282, at Ruthland; and it was there resolved, that Wales should be inseparably united to the crown of England; which it has ever since continued to be. 'It was certainly of great benefit to the nation,' says an historian, 'for the miserable contests and bloody mischiefs, which often happened to both nations, were hereby extinguished; and they became one people, governed by one law, and under one prince, as may be seen by the statute of Rutland (*a*). At this meeting, also, the laity granted to the king a 30th, and the clergy a 20th, towards the expences of the war. Edward having settled all matters in Wales, came in Dec. to Bristol; where he kept his Christmas, and held a parliament. Not a general one, but a particular parliament, says an old writer; but what was done at it he is not so particular as to mention.

In 1283 another parliament met, in Oct. at Acton Burnel, in Shropshire; where was made the statute of Acton Burnel (*b*).

In 1285, we meet with another parliament called to Westminster, after Easter, where were made some additions to the antient statutes of the realm, which bear the title of the 'Statutes of Westminster the Second' (*c*). The statute called *Circumspecte agatis* was, also, made at this session, which gave another blow to the power of the clergy (*d*).

The next year Edward went over into France, on special occasions, which detained him 3 years in that kingdom. In his absence, a parliament was held at London, in Feb. 1288, wherein John de Kirby, lord treasurer, demanded, as he said, by the king's orders, an aid for the king's charges in France. But the parliament answered, by the earl of Gloucester, their spokesman, 'that they would grant nothing unless they saw the king personally present.' Hereupon the treasurer imposed a tallage on the cities and boroughs of the king's demesnes (*e*). At his return, in Aug. 1289, his first care was to reform several abuses, introduced in his absence, particularly in the administration. To that end he called a parliament soon after his arrival to meet at Westminster in Jan. following; where the necessity of reforming such great abuses being propounded, the judges were had all under examination, and upon a plain proof of their extortions, they were fined to pay these following sums: sir R. de Hengham, chief justice of the King's Bench, 7000 marks (*f*). Sir J. Lovetot, justice of the common pleas, 3000 marks. Sir W. Brampton, justice, the same sum. Sir S. Rochester, justice of assize, 4000 marks. Sir Rd. de Boyland, 4000 marks. Sir Th. Sodington, 2000 marks; Sir W. Hopton, 2000 marks; the four last were itinerant justices; Sir W. de Saham, 3000 marks; R. Lithebury, master of the rolls, 1000 marks; Roger Leicester, 1000; Henry Bray, escheator and judge for the jews, 1000. Sir A. de Stratton, chief baron of the exchequer according to some, to others only chief clerk of the courts, no less than 34,000 marks; and sir T. Wayland, chief justice of the common pleas, who was found the greatest delinquent, had all his goods and whole estate confiscated to the king, and was also banished for ever out of the kingdom. Hollingshead informs us that there were but two judges out of the whole bench that were not found faulty, John de Metingham, and Elias de Bekingham. From this time the judges were obliged to swear at the entrance into their offices, that they would take no money or present of any kind, except a breakfast, from such persons as had suits depending before them.

Another affair of consequence came before this parliament, which was the entire banishment of the Jews out of the kingdom. The nation had long desired it; but the Jews still found means to divert the blow by large presents to the king, and his ministers. They wanted to play the same game again now, but could not do it; the king being unable to protect them any longer, and unwilling to risque the disobliging his parliament on their account. Accordingly, the act of banishment was passed, whereby their immoveable goods were confiscated; but they had leave to carry away the rest with them: (The number of these banished Jews, says Matthew of Westminster, were 16,160.) To gratify the king for this piece of service to the nation, in general, the parliament willingly granted a 15th. It was at this time, also, that the statute called 'Westminster the Third,' otherwise, from the first words of it, *Quia Emptores Terrarum*,' was enacted. (See Ryley's Placit. Parl. An. 18 et 19 Edw. I.)

Edward having now his coffers full of money by all the aforesaid fines, confiscations, and taxes, began to turn his thoughts on gaining a conquest much greater than the last, and to unite the crown of Scotland to his own. Upon

(*a*) Sam. Daniel in Kennett's History of England. p. 194.

(*b*) See Statutes at Large. Called the Statute Merchant for the Recovery of Debts.

(*c*) Statutes at Large. Coke's Inst. Part. II. p. 331, &c.

(*d*) See Collier's Ecclesiastical History, p. 485.

(*e*) Chron. T. Wikes, p. 117.

(*f*) Chron. T. Wikes, p. 118. Chron. de Dunstable. MSS. Daniel's History. Tindal's Notes on Rapin.

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the death of Alexander the Scotch king, and his grand-daughter Margaret, without heirs, the crown of that kingdom fell into controversy. No less than 12 competitors started at once; who were all descended from David, earl of Huntingdon, the younger brother of William king of Scots, grandfather to the late king Alexander. Edw. pretending a right of superiority over that kingdom, from his ancestors, undertakes to decide the quarrel. The regency of Scotland, to avoid greater inconveniencies, were forced to make him arbitrator, and the six chief competitors to stand to his award. John Baliol, lord of Galoway, and Rob. Bruce, both descended from the aforesaid David, had the plainest and most indisputable claim.—The first step that Edward took in this matter was a peaceable one, which was to ensure the succession of the kingdom of Scotland to his posterity, by a marriage betwixt his eldest son, prince Edw. and Margaret, daughter of Eric king of Norway, by Margaret, the only daughter of Alexander, who was, at her grandfather's death, the undoubted heiress to the crown of Scotland. The king sent messengers into Norway to treat about this marriage, and Eric gave his consent, so far as it was consistent with the desires of the Scotish nobility, &c. and the good of that kingdom. The articles on which this marriage was to have been consummated, are given at length in dr. Brady. This grand design was totally frustrated by the death of the young queen of Scotland, in her voyage towards England for that purpose, which left the field open for the rest of the competitors to pursue their seperate claims. Edw. now had another game to play; and that was to pretend a right to an absolute dominion over the crown of Scotland, in case of such an accident, and to set up himself as umpire in the several contests for that crown. To that end he summoned a parliament to meet at Norham, on the confines of the two kingdoms: and on the 10th of May, 1291, by the king's command, the nobility, prelates, knights, and many other of both kingdoms, met at that place, (*See Mat. Westm. sub hoc anno*); where Roger Brabanzon, chief justice of England, in the presence of a public notary, and witnesses purposely called, in the king's name, told them, that, 'he taking notice in what confusion the nation had been, since the death of Alexander their last king and his children, (out of the affection he had for them and all the inhabitants thereof, whose protection and safeguard was well known to belong to him, and for the doing right to all that claimed the kingdom and the public peace; to shew them his superiority and direct dominion, out of divers chronicles and monuments, preserved in several monasteries) purposed to use his right; but yet to do justice to all, without usurpation or diminution of their liberties, and to demand their assent to, and recognition of his superiority and direct dominion over them.' The chief justice having ended his harangue, and the Scottish lords there present understanding his meaning, they required time to consult with such of their several orders as were absent, which the king granted them to the next day only. Accordingly, the next day, May 11, they all met again, in the church of Norham, and then they earnestly pressed the king to give them longer time to consult with such as were absent, and answer to his demands concerning their recognition of his superiority and direct dominion over the realm of Scotland which he had claimed as his right. Upon deliberation, the king gave them time till the 2d of June next, and on that day, precisely they were to answer to his demand; and if they had any evidence, which could exclude him from his right aforesaid, they were then to exhibit them. And that they might the better understand his title, and make their objections against it, the bp. of Durham was appointed to declare it to the nobility and prelates there present. After the king of England's title, to the dominion of Scotland, had been thus declared, on the 2d of June, the bps. prelates, earls, barons, &c. representing the whole community of Scotland, met, in order to sell their country, says our authority, in a green plain, on the banks of the Tweed, directly opposite to the castle of Norham, where Edw. then resided (*g*). To them was sent the bp. of Bath and Wells, to demand in the king's name, 'what they had done since the last meeting; and whether they would say, exhibit, propound, or shew any thing that could or ought to exclude the king of England from the right and exercise of the superiority and direct dominion over the kingdom of Scotland; and that they would there and then exhibit it, if they believed it was expedient for them; protesting, in the king's name, that he would favourably hear them, allow what was just, or report what was said to the king and his council; that upon their deliberation they might do what justice required.' Upon repeated demands the Scots answered nothing; whereupon the bp. recapitulated all that had been said, at the last meeting, relating to the king's claim; and a public notary being present, the right of deciding the controversy between the several competitors, for that kingdom, was entered in form for the king of England. After which, the said bp. beginning with Robert Brus, lord of Annandale, and one of those that claimed the right of succession to the crown of Scotland, he asked him, in the presence of all the bps, earls, barons, &c. 'whether, in demanding his said right, he would answer and receive justice from the king of England, as superior and direct lord over the kingdom of Scotland?' Who presently, publicly, openly, and expressly, in the presence of them all, and the public notary, none contradicting or gainsaying, answered, 'that he did acknowledge the king of England superior and direct lord of the kingdom of Scotland; and that he would, from and before him, as such, demand, answer, and receive justice.'—The

(*g*) See Brady's Comp. Hist. Vol. ii. p. 19.

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bp. then proceeded with all the other competitors in like manner, who had the same question put to them, and received from them the same answer; and they did not only make this public recognition, but they all joined in letters patent to the king to corroborate the same; which letters patents are preserved in Mat. Westm. and in Brady's Comp. Hist. vol. ii. App. No. ii.

The consequence of all this was, that the affair of the succession to the crown of Scotland was debated by commissioners of both nations, to the number of fourscore in all; and the king was to give judgment according to equity and justice. The disquisition of this matter is amply taken notice of by most of our more modern historians; and, as the English parliament had yet nothing to do with the controversy, it is unnecessary here. But at the time that Edward had appointed to give sentence in this weighty affair, a full parliament was summoned to meet at Berwick upon Tweed, where all the commissioners appeared, as well as all the candidates, by themselves or proxies; and where John Baliol was declared, in full parliament, to be the only person that had a right of possession. Edward therefore adjudged the crown of Scotland to him; saving, however, to himself and successors, the right of prosecuting their pretensions to the said kingdom, whenever they thought proper. It was not long after this that Baliol found the bad effects of his subjection, being often summoned to appear before Edw. in person, on the bare complaints of private people; by which he was become rather the absolute slave than vassal to the king of England. And, in a parliament held in 1293, this king of Scotland was obliged to stand at the bar, like a private person, and answer to an accusation brought against him for denying justice, and imprisoning the earl of Fife. Baliol, in plea to the accusation, alledged that, as it concerned his crown, he could not answer to it without first advising with his subjects(*h*). This excuse not being deemed valid, the parliament ordered that three of his principal castles should be seized into the king's hands till he gave full satisfaction. The English authors affirm, that before the sentence was pronounced, Baliol presented a petition, acknowledging the sovereignty of the king of England over Scotland, and praying Edw. to allow him time till he could consult his parliament(*i*). As soon as he had stooped so low as to petition, his demand was granted, and a certain day was assigned him to appear. The Scots king went back into his own country; but so incensed at the affront he had received, that he was bent upon trying all means to free himself from so intolerable a yoke.

About this time an accident happened that seemed favourable to Baliol's design. The king of France had by a stratagem seized upon the district of Guienne, in Normandy, on so slight an occasion as a private quarrel betwixt some English and French mariners. Edward therefore summoned his parliament to meet at Westminster soon after Whitsuntide in 1294; whom he acquainted with the loss of Guienne, and the ill usage he had received from the French king. John, king of Scotland, was also present at this parliament; and, when they were told by Edward's ambassadors the shuffling answers they had from the French king, it was unanimously resolved to recover the duchy of Guienne by force of arms. John Baliol granted to Edward towards the expence of this war, the revenues of his paternal estate in England for 3 years. Notwithstanding this concession of the Scotch king, he hoped for greater advantages from this rupture; and accordingly he concluded a secret alliance with the king of France, and promised to invade England as soon as Edw. transported his armies abroad. Edward got intelligence of this plot, contrived against him at Paris, and called another parliament at Westminster, in order to lay before them the state of his affairs. Here the laity agreed to allow the king the 11th part of their goods, the clergy the 10th, and the merchants a 7th.—Edward having got this supply, neglected his more foreign concerns, and entirely bent his mind on the conquest of Scotland; which would be of much greater importance to him than the other. But to prevent the king of Scotland's designs, he demanded of him the three castles aforementioned, which Baliol, to amuse and gain time, actually delivered him. However, being assured of his revolt, Edw. lost no time with him, but marched his whole army directly for Scotland; and Baliol, being certain of assistance from France, bids defiance to Edw. renounced his oath and his allegiance, as unlawfully promised; alledging that it was not in his power, without the consent of the states, to do any such acts. 'And now, says Daniel, began the contests between the two nations, which spilt more Christian blood, did more mischief, and continued longer, that any wars that we read of, between any two people in the world.'

We shall, however, pursue these wars no farther than is consistent with our design; suffice it to say that Edw. in a short space of time overrun all Scotland, and reduced Baliol with the rest of the nobility to sue to him for peace. After which, he called a parliament to meet at Berwick, Aug. 24, 1296, to which came all the Scotish nobility, and did their homage and fealty to him in a most submissive manner, binding themselves to serve him faith-

(*h*) The whole process, after the summons, of this matter, relating to Macduff, the son of Malcolm earl of Fife, will be found at large in Ryley's Plac. Parl. p. 192, &c.

(*i*) The petition was made by his own mouth, before the king and council, and delivered in writing. The form of it is in Riley's Plac. Parl. p. 159, in French, translated by Tyrrel, Vol. ii. p. 76.

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fully against all nations, and to come to his assistance at any time and place he should require them; moreover, they all, upon the Blessed Evangelists, solemnly swore to observe all this before the whole English parliament.

The conquest of Scotland being thus completed, Edw. called before him all the chief officers, &c. of the Welsh, Irish, and English armies, who had assisted him in this great expedition; he returned them his thanks in a public manner; and added, that the crown of England was eternally obliged to them for their services. He afterwards put an end to this parliament.

On the 3rd of Nov. in the same year, Edward met his parliament again at St. Edmondsbury. They were called, in order to raise subsidies for carrying on the war against France, which he had determined to prosecute with the utmost vigour. The laity contributed cheerfully to this expedition, and taxed themselves, the citizens, and burgesses an 8th penny, the rest of the laity a 12th. The clergy, however, openly refused to give any thing, saying, 'That they could neither give nor grant, neither could the king receive any subsidy from them, without both incurring a sentence of excommunication, which was included in the pope's bull to that purpose.' The king was much displeased at this answer, but nevertheless gave them time to think upon it; and required them to meet him again the 14th of Jan. 1297, at London; to which time and place this parliament was adjourned. The day being come, and the parliament, with the clergy met, Robert de Winchelsea, abp. of Canterbury, made the following speech to his brethren:—

'My lords,—It is very well known to you and all the world, that under the Almighty God we have both a spiritual lord and a temporal one. The spiritual lord is our holy father the pope, and the temporal, our lord the king. And though we owe them both obedience, yet we are under more subjection to the spiritual. But to do all that is in our power to please both, we are willing to send special messengers to our holy father the pope, at our own expence, to desire that he would grant us leave to oblige the king in this matter; or, at least, we shall have an answer from him what we ought to do. We do believe, that our sovereign lord the king is as fearful of incurring this sentence of excommunication as we ourselves can be. So, my dear lords, we desire that you would send some select persons out of your body, to inform the king of this matter, for we, verily, notwithstanding we know the king's anger to be raised against us, dare to speak the truth at all times.' We find that the king was not so much afraid of the pope's bull as the abp. pretended. For, he had no sooner heard the clergy's answer to his demand, than he immediately put the abp. and the whole body of the English clergy, out of his protection and defence; and ordered that all their lands and possessions, throughout the whole realm, should be seized to his use. This edict had the consent of the earls, &c. who constituted this parliament, which continued to sit whilst all the bishops were excluded. The chief justice of the king's bench, sitting in his tribunal, says Knyghton, pronounced sentence against the clergy in these words:—'You that are the proctors, or attornies, for the abps. bps. abbots, and priors, with the rest of the clergy, take notice to acquaint all your masters, that, for the future, no manner of justice shall be done them in any of the king's courts, on any cause whatsoever; but justice shall be had against them to every one that will complain and require it of us.'

Edward did not prosper so well in this French war as he had done in the last. The Scots took the advantage of his absence to revolt; and, under the conduct of Wm. Wallace, committed great ravages in England. Neither were things quite well at home; Edward before his departure having greatly disobliged some of his lords; of which the earl of Hereford, high constable of England, and Roger Bygot, earl mareschal, were the chief. These great men raised an insurrection in the king's absence; by which means, and by the revolt of the Scots, the peace of the kingdom was much endangered. The occasion of this quarrel is said by Hollingshead and others to have happened at a parliament called to meet at Salisbury, at which meeting the clergy were totally excluded. The king insisted that most of the nobility, there present, should attend him to the French war, but many excused themselves, whereat Edw. being greatly moved, plainly told them that they should go, or he would give their lands to those that would. The nobles were very much offended at this bluntness in the king; and some of them, the chiefest, viz. the earl of Hereford and the earl mareschal, told the king, that they were ready to attend him, if he went in person, otherwise they would not go. The mareschal added, that if the king went, he should willingly attend him in his wars, and take his hereditary post in the vanguard of the army. 'But,' says the king, 'you shall go, whether I do or not.' 'I am not so bound,' quoth the earl, 'neither do I purpose to go without you.' The king, then in a great rage, said, 'By God, sir earl, you shall either go or hang.' 'And sir king,' by the same oath,' replied the earl, boldly, 'I will neither go nor hang.' And so they both left the king abruptly, without taking any leave, and the parliament broke up, without doing any further business. Edward, after this, resolved to go over in person, but the lords would not go along with him. Yet, notwithstanding the ill correspondence between the king and these great men at this assembly, it seems they agreed well enough how to proceed with the clergy; for Tyrrel, from an anonymous Chronicle in the Bodleian Library, relates, 'That the king and his barons and knights there assembled, passed an ordinance, that if the clergy did not make their peace with the king, within a certain time then li-

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mited, they should lose all that was already seized by the king, and it should not be lawful for any one, from thenceforth, to have any common dealing with them.'—See Tyrrel's Hist. of England, vol. iii. p. 107.

But, to close up the differences with the discontented lords in time, the regents thought proper to call a parliament in prince Edward's name, and to summon them to meet at London, on the 10th of Oct. 1297. The lords paid a willing obedience to this new summons from their future king, and came at the time and place appointed. However, they did not come without a strong guard to secure their persons; having 500 horsemen, well armed, and a large body of choice foot to attend them. Nor would they enter the city, until they were allowed to place a sufficient number of their own men at each gate of it for their better security. This being granted, the lords came quietly to their seats in parliament; where, after many consultations, the lords would agree to no reconciliation, unless the king would consent to confirm Magna Charta, and the Charter of Forests, with some additional articles: and that he would neither desire nor exact any aid or vexatious tax either from the clergy or the people, for the future, without the advice and consent of his Great Men. Further that all rancour and malice might from henceforth be removed from the minds of them and all others their associates, the following writing was agreed to, and ordered to be drawn up in these words:—

'No manner of tax or aid shall either be imposed or gathered by us or our heirs, for the future, on our kingdom, without the common consent and free-will of the abps. bps. and other prelates, the earls, barons, knights, burgesses, and other free men of this realm. We will not take to ourself any corn, wool, hides, or any other kind of goods whatsoever, without the consent of the person to whom such goods belong. We will not take for the future, in any name, or on any occasion whatsoever, evil toll (*k*) of any pack of wool. We will and grant for us and our heirs, that all the clergy and laity of the kingdom shall have all their laws, liberties, and customs, as freely and fully as ever they enjoyed them at any time. And if any thing be enacted or ordained against any article in this present writing by us or our ancestors, or any new customs introduced, we will and grant that such customs or statutes be for ever null and void. We do remit also, to Humphry de Bohun, earl of Hereford and Essex, constable of England; Roger Bygot, earl of Norfolk, mareschal of England; and others the earls, barons, knights, esquires, and to John de Ferrars, and to all others his colleagues and confederates, and also to all those that hold 20l. lands, either of us in chief or of others in our kingdom who were summoned to go into Flanders and did not appear, all manner of rancour and ill-will which for the aforesaid causes we might have taken against them, and also all kinds of transgressions which to us or ours may have been done, to the making of this present writing. And, for the greater security of this matter, we will and grant, for us and our heirs, that all abps. and bps. of England shall for ever in their cathedral churches have this present writing read, and shall publickly excommunicate as well there as cause it to be done in the several parish churches throughout their dioceses, twice in a year, all those who shall seek to weaken the force of these presents in any article, or in any manner whatsoever. In testimony of which we have put our seal to this present writing, together with the seals of the abps. bps. earls, barons, and others, who of their own accord swore to observe strictly the tenor of these presents, in all and every article, to the best of their powers. And for the due observance of which they promised all their aid and advice for ever."

The young Prince did not hesitate to confirm the decree, as far as it was in his power; and gave the offending lords his letters patents to them and all their followers, that no harm should come to them; and promised also in the said letters that he would do his utmost to induce his father to consent to all their demands. Likewise all the king's council, present at this parliament, promised to act accordingly. Messengers were immediately dispatched to the king in Flanders, with letters intimating, that if he regarded his own honour and safety, or hoped to preserve his kingdom, he should send back the aforesaid articles confirmed and sealed. The king being driven to a strait, took 3 days to consider of this message; and then, that he might gain the hearts of the revolters once more to him, consented to all, and confirmed them accordingly. For this extraordinary concession of the king, the parliament granted him a 9th penny on the laity; and the abp. of Canterbury with his clergy a 10th; the abp. of York, with his clergy, who were more in the neighbourhood of danger, a 5th penny, as a subsidy to carry on the war against Scotland.

Edward having concluded a truce for two years with France, turned all his thoughts on Scotland, and sent word to the earl of Warren, his general, not to proceed with the army any farther than Berwick till his return. He arrived there in person some short time after; and the first thing he did was to remove the courts of Exchequer and King's Bench from London to York; and then he called a parliament to meet in that city, where the Scotch lords were again summoned to appear at it; which they not regarding, he sent out his commission of array, ordering all his subjects to be ready with horse and harness,

(*k*) Mala Tolia, Evil Toll.—See Spelman's Glossarium ad Decem Scriptores. The tax was 40s. for every sack of wool.—See Statutes at Large, and Coke's 2d Inst. p. 526, for this memorable statute.

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at Rokesborough, on the feast of St. John Baptist following, which was done accordingly. After this happened the battle of Falkirk; in which the English gained a compleat victory over the Scotch army, and retook all the towns and fortresses which had been lost in the king's absence.

Soon after the king's return, he called a parliament to London (*l*) to meet in Lent, 1299. The first thing that was done at this meeting was to read before them the Pope's instrument of award, between the two kings of France and England, who had agred to make him, as a private person, only, under the name of Benedict Cajetan, the amicable composer and arbiter of all wars, controversies, differences, and causes whatever moved between them. This character was worthy of the Christian Pontiff; and accordingly he did award and pronounce: 1. That there should be a firm and stable peace between the two kings. 2. That the voluntary forbearing of hostility, and the truce lately made and confirmed between the two kings, &c. should be inviolably observed. 3. That the king of England should marry Margaret the king of France's sister, and endow her with 15,000l. Tournois (i. e. 3750l. st.) per an. 4. That Isabel, the daughter of the king of France, not then 7 years old, should, at convenient time, be married to Ed. the king of England's son, then 13 years of age, with the dower of 18,000l. Tournois per. an. 5. That all goods on either side, ships especially, taken before the war, and then not embezzled or destroyed, should be restored; and if destroyed and not to be found, then either king to make satisfaction at the request of each other. 6. That all the lands, vassals, and goods, which the king of England had in France before the war, which he may have restored to him by virtue of this compromise, he should have and enjoy under such conditions and security as shall be awarded. 7. That all the lands, vassals, and goods, which the king of France was then possessed of, that were the king of England's before the war, and those the king of England was then possessed of, should be put into the hands and possession of the Pope, and so to remain until the kings themselves agreed about them, or he should order what was therein to be done, without prejudice to the lands, vassals, and goods; or the kings, as to the possession, detention or property of them.' This award was dated at the Pope's palace at Rome, on the 20th of June, 1298, 26th Ed. I.; to which, when it was read in parliament, all the clergy and laity gave their consent.

In the spring of 1300, Edward made another inroad into Scotland, and again subdued those resolute spirits, and obliged them to sue to him, in a most submissive manner, for peace. At his return, he issued out writs, dated at Berwick, for calling a parliament to meet him at Westminster the 2d Sunday in Lent; in which the Great Charters were renewed and confirmed, and a new statute was made for the better explaining them, called '*Articuli super Chartas*,' or articles upon the charters.—See Statutes at large, an. 1300. Coke's 2nd Inst. 537.

On the 12th Jan. 1301, Edward called a parliament to meet at Lincoln. At the opening of this assembly, Roger de Brabazon, the king's chief secretary and privy councellor, made them a speech on the king's behalf, to this effect. 'His majesty has ordered me to let you understand, that whatever he hath done in his late wars, hath been performed by your joint consent and allowance; but that lately, by reason of the sudden incursion of the Scots, and the malicious contrivances of the French, the king hath been put to such extraordinary expences, that being quite destitute of money, he therefore desires a pecuniary aid of you, viz. a 15th of your temporal estates.' Hereupon the nobility and commons began to murmur, and complained grievously against the king's menial servants and officers, for several violent depredations and extortions. Afterwards, they desired that the liberties contained in the Great Charter should remain for ever in full force. Also, they requested the king that the disforestings, by which the richer sort had encroached much upon the poor, and which he had often promised should be amended, might be now ordered to be done without more delay. These and some other articles, which they earnestly pressed the king to grant, protracted this session several days. At last, says our authority, the king perceiving that they would not desist from their demands, nor would supply his necessities without they were granted; he answered, that he was ready to do what they would have him, and if they had any thing else to ask, it should be granted. Then the Charter of Liberties and that of the Forests were again renewed, and sealed with the king's seal; they were afterwards carried into every county in England, and when read before the people, the sentence of the greater excommunication, as ordained by the abp. of Canterbury, and the rest of the bps. against the violaters of them, was proclaimed amongst them. For this confirmation of their liberties, this parliament granted the king a 15th of all their moveable goods to take place at Michaelmas following.

Mr. Tyrrel has given us an abstract from an old MS. Chronicle, wherein the insolent demands of the barons run near as high against this great king, as they did against his weak father: the great council of the nobility being continued, after the commons were risen, till towards the latter end of Lent, they began to fall upon several rash and imprudent projects and demands; as, that the chancellor, chief-justice, and treasurer should be chosen and appointed by the community of the kingdom; which so far provoked the king, that he re-

(*l*) This parliament, as Stowe writes, was held at Stebenheath, [Stepney,] near London, in the house of Henry Wallies, then Mayor of London.—Stowe's Chron.

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turned them this resolute answer:—"I perceive you would at your pleasure make your king truckle to you, and bring him under subjection. Why have you not asked the crown of me also? whilst at the same time you look upon that as very fit and necessary for yourselves, which you grudge me that am your king: for it is lawful for every one of you, as master of his own family, to take in, or turn out what servants he pleases; but if I may not appoint my chancellor, chief-justice, justiciary, and treasurer, I will be no longer your king; yet if they, or any other officers shall do you any wrong or injustice, and complaint be made of it to me, you shall then have some reason to complain if you are not righted.'—This reasonable answer made those ashamed that were for these alterations: and the major part of the nobility, seeing these designs to be vain and frivolous, humbly begged the king's pardon for their presumption. The king and his barons being thus perfectly reconciled, an elegant epistle, as Mat. Westm. calls it, was written to the pope, sealed with 100 seals, in order to prove the right which the English kings had to the crown of Scotland, from the earliest times, against the false suggestions, adds he, of the perjured Scots, who had avouched otherwise. In this parliament, also, the king created his eldest son, prince Edw. prince of Wales and earl of Chester, to the no small joy of the Welch, as this prince was born amongst them.

One great end of a parl.'s being called by the king at this time was, to lay before them a letter he had received from the pope; wherein his holiness claimed the kingdom of Scotland, as a right belonging to the see of Rome. The pope alledged, in this letter, that the king of England, both against reason and justice, had made that claim; for which he gave the following reasons:—'1st. That Henry III. had asked aid of Alexander, king of Scotland, against Simon Montfort, and his other rebellious barons; and the same king Henry acknowledged by his letters, that he sought not this aid from the said king Alex. as a service due to him, but merely out of favour. 2nd. When the said kind Alex. came to the coronation of the said Henry, he came, only, as a friend and out of kindness, &c. And, as Edw. king of England, after the death of Alex. had attacked and subdued the realm of Scotland, for want of a governor, to himself, he declared it was contrary to justice and the liberty of the see of Rome. And that the said king Edw. had suppressed all the Scotch bishops, and held them under subjection to him, against the constitution of the Catholic church in general, and the see of Rome in particular.' The king, by the advice of his parliament, returned this answer to that part of the letter wherein the pope commanded Edw. to send his proctors and messengers to the court of Rome, to shew what right he had to claim the realm of Scotland, 'That he did not think fit to say any thing to it himself, but that the whole Barony of England would write to his holiness, that their king could not act in that manner, nor refer a right, which was so clear and open, to the doubtful judgment of another court.' However, the king himself thought proper to dissemble his anger against the holy father; and accordingly answered the pope's letter in a very submissive manner: he was, also, very copious in the declaration of his right that he had to Scotland, and began his claim from king Brute and his Trojans; and, no doubt to amuse the Italians, who could not contradict it, carried his title clear through the fabulous history of Geofry Monmouth, &c. But the lords were more explicit in theirs, and made out their meaning very plain to his holiness; which letter is preserved in Rymer's Fœdera, and is deserving a place in our history. The following is a translation of it:—

"To the most holy Father in Christ, Boniface, by Divine Providence, sovereign Pontiff of the see of Rome, his obedient sons, John earl Warren, Th. earl of Lancaster, Ralph de Mount-hermer, earl of Gloucester and Hereford; Humphry de Bohun, earl of Hertford and Essex, and constable of England; Roger Bigod, earl of Norfolk, and mareschal of England; Guy earl of Warwick, Richard earl of Arundel, Adomer de Valence, baron of Monterney; Henry de Lancaster, b. of Monmouth; John de Hastings, b. of Bergevenny; H. de Percy, b. of Topclife; Edm. de Mortimer, b. of Wigmore; Rob. Fitz-Walter, b. of Wodham; Wm. b. Molyns; J. de St. John, b. of Hannak; Hugh de Vere, b. of Swanestampe; Wm. de Breuse, b. of Gower; Rob. de Monthault, b. of Hawardyn; Rob. de Tateshall, b. of Buckenham; Reinold de Grey, b. of Ruthin; H. de Grey, b. of Codnore; H. Bardolph, b. of Wirmgeye; Robert de Tonny, b. of Castle-Mawde; Rob. de Clifford, chattellaine of Appleby; Peter de Malo Lacu, or Mawley, b. of Mulgrave; Wm. de Ros, b. of Hamlake; Philip, b. of Kime; Rob. Fitz-Roger, b. of Clavering; John de Mohun, b. of Dunester; Almerick de St. Amand, b. of Widehay; Wm. de Ferrers, b. of Groby; Alan de Zouch, b. of Ashby; Theo. de Verdon, b. of Webberley; Tho. de Furnival, b. of Sheffield; Thomas de Multon, b. of Egremont; Wm. le Latimer, b. of Torby; Tho. Baron Berkely; Fowlk Fitz-Warren, b. of Mitington; John, b. Segrave; Edm. de Eincourt, b. of Thurgarton; Peter Corbet, b. of Cauz; Wm. de Cantilupe, b. of Ravensthorpe; J. de Beauchamp, b. of Hacche, Roger de Mortimer, b. Penkethlin; John Fitz-Reinold, b. of Blenleveny; Ralph de Nevil, b. of Raby; Brian Fitz-Alane, b. of Bedale; Wm. Marshal, b. of Hengham; Walter, b. of Huntercombe; Wm. Martin, b. of Cameis; H. de Tyes, b. of Chilton; Roger le Warre, b. of Iseficld; J. de Rivers, b. of Angre; John de Lancaster, b. of Grisedale; Rob. Fitz-Pain, b. of Lainnier; H. Tregoze, b. of Garinges; Ralph Pipard, b. of Lunford; Walter, b. Fauconberge; John le Strange, b. of Cnokyn; Roger le Strange, b. of Ellesmere; T. de Chaurcis, b. of Norton; Walter de Beau-



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champ, b. of Alcester; Rd. Talbot, b. of Eccleswell; J. Bottecourt, b. of Mendsham; J. Engain, b. of Colum; H. de Pointz, b. of Cory-Malet; Adam, b. of Well; Simon, b. of Montacute; John, b. of Sulle; J. de Moelles, b. of Candebury; Edmund, b. Stafford; J. Lovell, b. of Berekingy; Edm. de Hastings, b. of Enchimchelmok; Ralph Fitz-William, b. of Grimthorpe; Robert de Scales, b. of Neusells; Wm. Tuchet, b. of Lewenhales; J. ap Adam, b. of Deverstone; J. de Havering, b. of Grafton; R. la Ward, b. of Whitchall; Nich. de Segrave, b. of Stowe; Walter de Tey, b. of Stonegrave; John de Lisle, b. of Wadton; Eustace, b. Hacche; Gil. Peeche, b. of Corby; Wm. Painell, b. of Trackington; Bogo de Knovill, b. of White-Minster; Foulk le Strange, b. of Corsham; H. de Pynkeny, b. of Wedon; J. de Hodeleston, b. of Aneys; J. de Huntingfield, b. of Bradenham; Hugh Fitz-Henry, b. of Ravenswath; J. le Breton, b. of Sporle; Nich. de Carrue, b. of Mulesford; Th. b. de la Roche; Walter de Muncie, b. of Thornton; John Fitz-Marmaduke, b. of Hordene; John, b. of Kingston; Rob. Hastings, b. of Desiree; Ralph, b. Grendone; Wm. b. Leybourne; John de Greystock, b. of Morpeth; Mat. Fitz-John, b. of Stockenham; Nic. Meynill, b. of Wherlton; and J. de Painell, b. of Ateli, devoutly kiss his blessed feet."

"'Our holy mother, the church of Rome, by whose ministry the catholic faith is governed, as we firmly hold and believe, proceeds upon mature deliberation in her resolutions; takes care to prejudice no man: and is as solicitous to preserve the rights of other people as of her own. Verily, being summoned by our most serene lord, Edward, by the grace of God, the illustrious king of England, to his general parliament holden at Lincoln, the same our lord the king shewed us some apostolic letters, which, upon certain affairs touching the condition and state of the realm of Scotland, he had received from your holiness, and seriously communicated them to us all. Which letters, having heard and diligently considered, we were extremely shocked at the contents of them, being altogether new and unprecedented. It is well known, most holy father, both in these parts, and other countries, that the realm of England, from its first institution, with the kings thereof, as well in the times of the Britons as Saxons, had an absolute dominion over that of Scotland; and, in succeeding times, have always kept the possession, or the superiority over the said realm, nor in any times, did the said realm, by any right whatsoever, belong, in temporals, to the see of Rome, but rather the said realm of Scotland was always feudal to the progenitors of our lord the king, from all antiquity. Nor were the kings of Scotland, or their kingdom, ever subject or accustomed to submit to any other than to the kings of England. Neither have the kings of England, in their said kingdom, ever submitted their rights, in temporals, to any ecclesiastical or secular court; have never answered to them, nor ought to answer, but have inviolably observed to keep up the free pre-eminence, state, and dignity of the said kingdom, at all times. Whence, upon a due deliberation and treating upon the contents of your memorable letter, the common and unanimous consent of all and singular was, is, and will be, God willing, for ever. That our aforesaid lord the king ought not to answer judicially before you, nor submit his rights over the realm of Scotland, nor any other of his temporal rights whatsoever, to your doubtful judgment. Neither has he any reason to send his messengers or proctors to plead for him in your presence; particularly, when the premises will most manifestly tend to the disinheriting of the right of the English crown, and its royal dignity, and the utter subversion of the state of the said kingdom; and be a prejudice to our liberties, customs, and paternal laws; the observation and defence of which we stand obliged, by our oaths, to defend; and which, by the help of God, we will with all our power and strength maintain. Neither shall we in any wise permit, as we can and ought to hinder, such unaccustomed doings; nor shall we suffer our aforesaid lord the king in any manner to attempt to do, if he would, such undue, prejudicial, and heretofore, unheard of actions. Therefore, we humbly and reverently beseech your holiness, that you would kindly permit our sovereign lord the king (who, amongst other princes of the earth, shews himself a true catholic, and devoted to the see of Rome) to possess quietly, all his rights, liberties, customs, and laws, without diminution or disturbance. In testimony of which we have put our seals to these presents, as well for ourselves, as for the whole community of the aforesaid realm of England."

Mat. Westminster mentions two parliaments, or a prorogation of the same, to be held in the next year. The business they were both called for was in order to be consulted about making a peace with France. In the first, it was the commissioners desire that the king himself should go into France, and treat personally with the French king about it; a resolution, add they, that the great men of both kingdoms would applaud, and what the middle and lowest sort of people could not be grieved at. But, at the next meeting, this motion being again made it was strenuously opposed, and a quite contrary resolution was taken by the whole body, viz. 'That the king should remain in his own dominions, and not go abroad out of England, on any command or pretence of the French king's whatsover.

There is some notice taken of a parliament in the Public Acts, said to be called in Lent, 1305, wherein the king ordains 4 of his chaplains to be receivers of petitions at it. But Ryley has preserved a great deal of a parliament which his authorities say was held at Wesminster, on the Sunday after the feast of st. Matthew, in the 33rd of this reign. The primary ceremonials of which, as they are very

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circumstantial, may give our readers a notion of the whole proceedings of such an assembly in those times; translated from the old French, as follows. First, it was ordained by the king, that sir Gilbert de Roubiry, master John de Caam, sir John de Kirkeby, and master John Bush, should be receivers of all the petitions of those who shall be petitioners of this parliament, at Westminster. And, upon this, proclamation was made, by the king's command, in the great hall at Westminster, at the chancery-bar, and before the courts of the king's bench and exchequer, in the guildhall of London, and in Westchepe, in these words: 'know all those that come with petitions to this approaching parliament, that they deliver them, from day to day, betwixt this time and the 1st Sunday in Lent, at the farthest, to sir Gilbert de Roubiry, master John de Caam, &c. or to any of them, who are appointed to receive them, to the aforesaid time, at the farthest. And by this ordinance and proclamation all petitions shall be given in accordingly.' The business of the session being over, the following proclamation was made by the king's command; which seems to be the method of dissolving a parliament at that time. 'All abps. bps. and other prelates, earls, barons, knights of shires, citizens, and burgesses, and all other of the commons which are come, by the command of our sovereign lord the king to this parliament, the king gives them many thanks for their coming, and wills that, as they have desired, they may return into their own country; going forthwith and without delay, notwithstanding other commands, except the bishops, earls, barons, justices, and others, who are of the king's counsel, and those must not depart without special leave from the king. Those, also, who have business have leave to follow it. And the knights which are come for the shires, and others for the cities and boroughs, may apply themselves to sir John de Kirkeby, who will give them briefs to receive their wages in their several countries. And the aforesaid John de Kirkeby, is hereby commanded to deliver, to the chancellor, the names of all the knights of shires, and the names of all the citizens and burgesses that come for such briefs for their expences.'

The last parliament called by this king, met at Carlisle on the 21st of Jan. 1307. The first business of this assembly was to consider of means to secure the possession of Scotland, by uniting that kingdom to England, as appears by the writs dated at Lanercost, Nov. 3, preceding. At this meeting, also, great complaints were made by the barons against one Wm. Testa, an Italian priest, sent by the pope, for several oppressions and extortions of money, from the churches and monasteries of this kingdom, not heretofore used. It was therefore prohibited the said priest, by the consent of the earls and barons, to do any thing of the like nature for the future; and messengers were ordered to be sent to the pope to prevent such proceedings from that see.

We shall conclude our historical account of the parliaments in this king's reign, with the following complete,

*List of the Prelates, Abbots, and Barons in this parliament.*

"The names of those who were summoned to parliament, in the 35th year of Edw. I. at Carlisle, in the Octaves of St. Hillary, Jan. 21, 1307, in order to treat upon the affairs of Scotland, and other matters specially relating to this kingdom.

*Barons.*—Edw. P. of Wales; H. Lacy, earl of Lincoln; Ralph Mounthermer, earl of Gloucester and Hereford; Th. e. of Lancaster; Humphrey Bohun, e. of Hereford and Essex; John Warren, e. of Surrey; Edm. e. of Arundale; John de Britain, e. of Richmond; Guy Beauchamp, e. of Warwick; Rob. Vere, e. of Oxford; Gilbert Umfreville, e. of Angos; Henry of Lancaster, Aymer of Valence, John Ferrers, Henry Piercy, Hugh Spencer, Rob. Fitz-Walter, Wm. Latimer, Rob. Clifford, Rob. Monthault, Hugh de Veer, Walter Faulconberge, Ralph Basset of Draiton, Roger la Warr, J. Paynell, Alex. Balliol, Hugh Pointz, Roger Mortimer, Wm. Rither, Reg. de Grey, Walter de Muncy, Rob. de Scales, Adam de Well, Almaric de St. Amand, Wm. Cantalupe, John Engaigne, Gilb. Peche, John de Clavering, Wm. de Leyburn, John de Beauchamp of Somerset, Wm. Grandison, John Hastings, John le Mare, John de Rivers, John de Mohun, Peter de Mawley, Rob. Fitz-Pain, Hugh de Courtney, Edm. Deyncourt, John St. John of Lageham, Geoffrey de Geynual, Thomas de Furnival, Robert de Tony, Th. de Berkeley, Wm. de Brewse, Peter Corbet, Wm. Martin, Thomas de Multon, John ap Adam, Philip de Kyme, John de Segrave, Rob. Fitz-Roger, John L'Estrange, John L'Isle, John de Sudley, Simon Mountacute, Walter de Tey, Edm. de Hastings, John de Lancaster, John de St. John, H. Tregoze, John Lovel de Tichmerch, Alan la Zouch, Henry Teves, Nich. Segrave, Fulke Fitz-Warren, John Fitz-Reignald, Geoff. Camvile, Wm. le Vavasour, Wm. de Ferrers, Rob. Grendon, Edm. Baron of Stafford, Ralph Fitz-William, Th. de la Roche, Theobald de Verdon, jun. Wm. Tuchet, H. Hussey.

*Bishops.*—Abp. of York, bishops of Lincoln, London, Chichester, Exeter, Hereford, Salisbury, Landaff, St. Asaph, Bangor, St. Davids, Coventry and Litchfield, Bath and Wells, Norwich, Rochester, Durham, Carlisle, Ely, Worcester, Winchester.

*Abbots.*—Of St. Augustine in Canterbury, St. Edmund's-Bury, St. Alban, Westminster, Waltham, Evesham, St. Mary at York, Peterborough, Ramsey, Winchecomb, Gloucester, Bristol, Malmesbury, Glastenbury, Selby, Cirencester, Reading, Furneys, Sawley, Alnwick, St. Osith, Barlinges, Tupholm, Biley, Dale, Newhus, Croxton, Cockersand, St. Radegound, Tichfield, Torre, Holmecoltiram, Welbeck, Hales, New Minster, Joreval, Fountaines, Byland, Maux, Kyrkestall, Roche, Rufford, Valdieu, Grendon, Stanley in Arden, Pipewell, Combe, Basingwerke.

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*Price of provisions in this reign.*

In 1288, wheat was sold at London for 3s. 4d. a quarter, when it was dearest; and in other parts abroad for 20, 16, and 12d. the quarter; and in the west and north parts for 8d.; barley for 6d. and oats for 4d. the quarter. And in 1299, a fat cock was sold for 3 halfpence, two pullets for 3 halfpence, a fat capon for 2½d. a goose 4d. a mallard 3 halfpence, a partridge 3 halfpence, a pheasant 4d. a heron 6d. a plover 1d. a swan 3s. a crane 12d. two woodcocks 3 halfpence, a fat lamb from Christmas to Shrovetide 10d. and all the rest of the year 4d.—See Stowe's Chron.

*Taxes in this king's reign.*

In 1276, Edward had a 15th granted him by the earls, barons, great men, and community of the kingdom; and by the abp. of Canterbury and his suffragans, a subsidy of their goods (not said how much) as a free gift only, not to be drawn into example.—See Rot. Parl. 4 Edw. I.—In 1277, the laity gave him the 12th part of their goods, towards carrying on the war in Wales. In 1283, toward the war against the Welsh, the laity gave him a 30th, and the clergy a 20th part of their goods. Pope Nicholas IV. granted him the 10th of all ecclesiastical benefices, according to their true value, upon oath, throughout all England; to be received for the space of 6 years next ensuing, for the relief of the holy land against the Turks.—See Wikes Hist. Ang.—In 1290, the abps. bps. abbots, priors, earls, barons, &c. granted a 15th of all their moveable goods, as appears by the chequer-roll in the 19th Edw. I. with the king's remembrancer. In 1294, the prelates and clergy granted the moiety of their benefices and goods. And in the same year, at a parliament holden on the 12th of Nov. at Westminster, when four knights were summoned from every county, to consult and consent to such things as the earls, barons, and great men should ordain, for themselves and the communities of the counties; they gave the king a 10th of their moveable goods. In the same month the city of London granted a 6th part of their moveable goods, as a subsidy toward the war. About the same time there were commissioners appointed to require, in person, the men of all his demesne-cities and towns in all the counties of England, by all ways they should see expedient, to grant a 6th part, as London had done, that it might shew example to others of his demesne-towns. In 1295, the clergy gave the king a 10th; the earls, barons, knights, and others of the kingdom, gave an 11th; and the citizens and burgesses, and other good men of his demesnes, gave him a 7th of their moveable goods. In 1296, the earls, barons, knights, and others of the kingdom, gave a 12th part; the citizens, burgesses, and tenants of his demesnes, gave an 8th part. The clergy gave nothing, by reason of an inhibition the abp. had obtained from pope Boniface; which he caused to be published at this time in all the cathedrals. In 1297, he had an 8th of all the laity, and a 10th of the clergy, for the confirmation of the Great Charter, and the Charter of the Forests. The clergy of the province of Canterbury gave a 10th; and the province of York a 5th. In 1301, upon his confirmation of the perambulations of the forests, the laity gave him a 15th of their moveables. Robert abp. of Canterbury, would grant nothing for the clergy without the special licence of the pope. In 1304, the king being in Scotland, commissioners were appointed to tax cities, boroughs, and his demesnes in cities and boroughs, either capitation by poll, or in common, as it might turn most to his advantage. In 1305, the king having summoned a parl. at Westminster to raise money for the war against the Scots, there was given him by the clergy, nobility, and knights of the shires, the 30th penny of all their moveable goods; and at the same time the citizens and burgesses gave a 20th of the same estates. In this parliament, also, the abps. bps. prelates, earls, barons, and other tenants of his demesnes, petitioned, that they might have leave to taliate their tenants of the same demesnes, as he had taliated them; and it was granted. And about this time he had a 15th granted to him in parliament. In 1306, the king intending to knight his eldest son, summoned the abps. bps. abbots, priors, earls, barons, &c. to grant an aid upon that occasion. He also sent to all the sheriffs of England, to cause to come two knights of every county, and of every city two citizens, and of each borough one or two burgesses as as the borough was greater or less. The prelates, earls, barons, &c. and also the knights of shires, unanimously granted to the king for themselves, and the whole community of the kingdom, a 30th part all of their temporal moveable goods, &c. for a competent aid toward the knighthood of his son, and also for an aid toward his expences, which he was to be at in the war with Scotland. The citizens and burgesses also unanimously granted a 20th.

## EDWARD II.

The first parliament called by this king, was at Northampton, in 1308, in the first year of his reign, and before his coronation, wherein it was enacted, that the base coin used in his father's reign should not be refused upon pain of life and limb. Here the clergy granted a 15th of their goods, and the laity a 20th. An order was made at this time for the burial of the late king, who was solemnly brought from Waltham, and interred at Westminster, with much funeral pomp and ceremony. But to allay the young king's grief for the loss of his father, a marriage was, also, concluded in this parliament between his favourite Pierce Gaveston, the new earl of Cornwall, and the daughter and heir of Gilbert de Clare, earl of Gloucester. Our modern historians are full of invectives against the king's favourite, Gaveston; and every fresh favour granted to this foreigner, by the king, increased the hatred of the lords

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against him. Rapin observes, 'that hardly would an Englishman raised to so high a station have been endured, much less a private Gascon gentleman, in whom they discovered no other merit than a handsome face, an easy shape, and a quick wit; very agreeable in conversation, but little proper to govern a state.' On the other hand, dr. Brady, from sir Thos. de la More, who was servant to Edward II. and wrote his life, adds to the character of person and sense, which the Monsieur gives him, 'that he was a great general and sufficiently skilful in military affairs; which appeared by his management of, and keeping in due subjection the Scots, when he commanded the English forces in that kingdom; and for which, adds our authorities, he was much envied by those who saw his happy success.' However, since the lords plainly saw that it was in vain to press the king to part with his favourite, and that he would never consent to it unless he was forced, they convened themselves at Ware, and from thence went to Northampton; and the king, having no forces to oppose them, was obliged to summon a parliament to meet 15 days after. Which being met accordingly, at London, divers articles were laid to the charge of the favourite, 'as abusing the king's ear by obtaining immoderate grants to himself; his embezzling the treasure of the kingdom, and taking the best jewels of the crown to his own use.' Thus far Mr. Tyrrel; but he omits what J. Stowe adds in their complaint, though he quotes the very passage from that history, viz. that the lords told the king, 'that Gaveston's father was executed for being a traitor to the king of France; that his mother was burned for a witch; and that the said Pierce was banished for consenting to his mother's witchcraft; and that he had now bewitched the king himself.' See Stowe's Hist. p. 213.—The king, as is said, hoping to divide the barons, and take off some that had been the least provoked, proposed it to the abp. of Canterbury, the bp. of Durham, the earls of Lancaster and Hereford, that he would refer all differences to them, and confirm whatsoever they should judge most fit to be done on this occasion. But the bps. and lords would not undertake the odium of such an arbitration; and said, 'they would act nothing without the general consent of all the rest of the barons, who would not be satisfied with any thing less than that the earl of Cornwall should immediately quit the kingdom.' This the king delaying to grant, they were about to take up arms; but, he, fearing the ill consequence of a downright denial, after many altercations with his nobles, was, at last, obliged to part with his favourite, and to banish him from England for ever. This sentence had the ratification of all the estates: and to make it stronger on the king's part, he confirmed it by letters patents under the great seal, which letters patents, and the sentence of banishment, are to be found at large in Tyrrel's Hist. vol. 3, p. 229. All the mitigation the king could gain his minion, in this matter, was to send him into Ireland, over which kingdom he made him governor; and the king himself bore him company as far as Bristol. But this was not the only business transacted at this parliament. The lords had a mind to fall upon new modelling the government again; and accordingly presented an address to the king, complaining, 'that the state and his own houshold were so ill managed, that it was absolutely necessary to find means to prevent the consequences of this disorder.' They added, 'that the only proper method, as they thought, was for the king to leave to certain lords, appointed by the parliament, the care of well governing the kingdom, and his own domestic affairs.' This very modest address, which his father would have made them smart for, this weak prince gave his consent to; and without considering the consequence, says M. Rapin, of a condescension so pernicious to his authority and quiet, he permitted the parliament to chuse 7 bishops, 8 earls, and 6 barons, to make the proposed regulation. No sooner were these commissioners constituted, but they all took an oath, 'That they would make such ordinances as should be to the honour of God, the honour and profit of holy church, to the honour of their lord the king, and to the profit of him and his people, &c.' After which they made several ordinances, to the number of 41, which will be found in dr. Brady's Hist. p. 103, and is printed in his appendix. The same author has given us a translation of them, in effect, with the king's confirmation of them, both of which are too long for our purpose.

Another parliament met at Stamford, July 26, 1309: it was summoned to suppress the ill intentions of the Scots; but we do not find any thing done to that purpose. Here the king so far prevailed with the major part of the nobility, there present, that they were content Pierce Gaveston should enjoy the earldom of Cornwall during life.

On the 18th of Oct. 1310, the king held another parliament, or rather a piece of a parliament, at York; for here several discontented lords refused to come; being greatly dissatisfied at what was done at the last. At this meeting the renowned Pierce Gaveston appeared again, and took his place as earl of Cornwall; but he had much better have staid where he was, as the consequence will shew. The heads of the opposition, who refused their attendance, were the earl of Lancaster, the king's cousin German; and the earls of Warwick, Oxford, Lincoln, and Arundale; whom dr. Brady calls The Ordainers. The chief business done at this meeting was, first the king published his reasons for the recalling his favourite, which were, 'that he was banished contrary to the laws and usages of the kingdom, which he, the king, was bound to maintain by the oath he took at his coronation; and seeing he was, in the instrument of exile, stiled no otherwise than good and loyal, he returned at his commandment; and was ready to stand trial before him, and answer to all such as

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would accuse him, every thing that should be objected against him, according to the laws and usages aforesaid.' This declaration was dated at York, Jan. 16, and directed to the sheriff of Yorkshire and all the sheriffs in England. The lords, who were assembled, neglected not this opportunity offered them, and represented to the king, 'that the laws and customs of the kingdom were not observed, nor the late made Ordinances regarded.' Upon which the king, to obviate such reports, issued out another declaration, by which he commanded the sheriffs of all counties to proclaim in full county, and in all cities, boroughs and market towns, and in other places which they should think expedient, 'that it was his great care and chief desire, his peace should every where be observed, and that all the laws and customs of the kingdom, used and approved in the time of his progenitors, and also all the ordinances lately made to the honour of God and holy church, and his own, to the profit of him and his people, which were not to the damage or prejudice of him and his crown, or contrary to the laws and customs aforesaid, should be maintained and kept. Witness the king at York, Jan. 26.'—See Brady's App. No. 54.—The discontented lords were then in London, and the king, fearing some disturbance might happen, sent an order to the mayor, aldermen, and common council of London, 'to secure the city, so as by the meetings of the prelates, earls, barons and others, there might happen no hurt or danger to him, or the city. The declaration and order above, availing nothing to better the king's cause; nor another, wherein he sets forth, 'that he was resolved to preserve the rights of his crown and royal dignity, the peace and tranquillity of holy church, and the whole people committed to his charge in all things;' in order to proceed, amicably, with the dissatisfied bishops and barons, and according to the power reserved in the protestation he made when he confirmed the Ordinances, the king appointed commissioners out of those prelates and barons he had with him at York, to treat with those of the Secession at London, about the observation of the Ordinances, upon which were grounded all their pretences of discontent; and to reform and correct, by their good advice, all such things in them as were prejudicial or injurious to him, or contrary to the form of the commission, before granted, if any such should appear. The prelates, earls, and barons, who were then at London, excused themselves from treating concerning the Ordinances, in the absence of the king, and sent him this answer, 'that in his presence, whenever he pleased to call them together, they would treat upon the Ordinances, and should be ready to do all things according to his own protestation, and also according to the protestation they made at the time of publishing these ordinances.

The seceding lords began now to declare openly, that they would by force drive Gaveston from the king; and accordingly raised an army, over which, by common consent, Thomas earl of Lancaster was made general. After which they sent a message to the king, 'that they besought him either to deliver Pierce Gaveston to them; or, as it had been ordained, command him instantly to depart the kingdom.' The king, putting his favourite's preservation on a footing with his own, retired with him from York to Newcastle; where the barons and their army followed them. From thence they went to Tinmouth, where the king taking shipping, carried Gaveston with him to Scarborough, and placing him in the strong castle there, he himself left him and went to York. The earl of Lancaster and his army still followed them, and coming before Scarborough castle, they besieged it; which, after some time, capitulating, Gaveston rendered himself upon condition, 'to stand to the judgment of the barons, and that he might once more speak with the king.' But now, having him at their mercy, he found but a small share of it from them; for they soon after, without much process, beheaded him, as a public enemy to the kingdom. Gaveston being thus cut off, the lords in the confederacy sent a haughty message to the king, proudly demanding, says Walsingham, that their Ordinances should be confirmed and put in execution, threatening, 'that, if it was not done speedily, they would come and compel him to do it.' And they united all their forces, and quartered themselves in the country about Dunstable, the king being then at London. But soon after, a treaty was set on foot betwixt the king and his barons, by the mediation of some bishops; and articles of agreement, 8 in number, were settled betwixt them. By the first, it was stipulated, 'that the earls and barons, concerned in the affair above, should come before the king in Westm. hall, and with great humility, on their knees, make their submission, and swear, if he so desired, that what they did, and for which they had incurred his displeasure, was not done in despight of him, and they should humbly pray his forgiveness, and receive it with a good will,' &c. This submission was to be made publicly, at the next parliament. But for all that the king took the death of Gaveston so heavily, that he never forgave the authors of it; and, when he had it in his power, revenged it severely on them.

In 1313, Edward summoned a parliament to meet at Westm. on the 21st of September. The earl of Lancaster came thither attended with a great number of armed men, raised from his own tenants; notwithstanding the king had sent him a positive inhibition against it, as well as to some other lords of the same party. When they were met, the king renewed his complaints before the clergy and laity, 'concerning the affronts and injuries he had lately received from the barons; of their taking Pierce Gaveston and cutting off his head, contrary to the articles he had made at his surrender.' The confederate lords, on the other side, unanimously answered to these ac-

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cusations, 'that they had in no wise offended the king in what was laid to their charge, but rather deserved thanks and good will from him; since they did not bring an army thither, in contempt of his authority, but only to destroy a public enemy of the kingdom, who had been often banished by the community thereof, and which sentence had been confirmed by the king himself, as being a person who had not only injured the king's reputation, but had robbed the crown of its revenues, and had raised perpetual dissentions betwixt the king and his natural-born subjects.' They, also, boldly declared, 'That they would no longer trust to his vain promises, or be deferred any longer of their securities.' The queen, the bishops, and the earl of Glocester, who was a neutral lord in this matter, undertook to settle these differences, and to make peace between them. By their mediation, therefore, the king was to remit his displeasure towards the lords, provided that they and their adherents, did in Westm. hall, in full parliament, perform the submission which had been before agreed on, viz. 'That they should humble themselves before him, and beg his pardon in whatever they had offended him, and thereupon the king should again receive them into his grace and favour, and should look upon them for the future as his liegemen and subjects; and, confirming all the articles required, should never again question any man for the death of Gaveston, but should grant his charter of indemnity to all that should desire it.' All which particulars being agreed to by the king, and performed by the confederacy, they, with the rest of the great men of the kingdom, considering the king's necessities, granted him a 15th of all their moveable goods; and then the parliament was dissolved, every man going home with joy and satisfaction.

The affairs in Scotland, at this time, went worse than at home; Rob. Bruce, their new king, taking advantage of the civil dissentions in England, had now reduced the greater part of that country to his obedience. To recover what was lost, Edw. raised a vast army, and marched against the Scotch king; but met with so great an overthrow at Bannockburn, that, after leaving the greatest part of his army dead behind him, he retired with much precipitation to York. Here it was that he called a parliament, or a council of his shattered nobility, to meet on the 15th of August, 1314; but the nation being in much consternation, by their late great loss, though this assembly sat, from the time aforesaid until Michaelmas, yet nothing but the exchange of the lady of Robert Bruce, and some other prisoners, was concluded at it.—See Tyrrel and Brady.

This devastation of men was followed by a dreadful famine which lasted 3 years, and destroyed an infinite number of people. To remedy which, and to settle the price of provisions, which were grown excessive dear at that time, the king summoned a parliament to meet at Westm. on the 20th of Dec. this year. When the prelates, peers, and commons were there assembled, they took into consideration the sad condition of the kingdom, and how to abate the excessive price of victuals, which by reason of the late bad years was grown so scarce that the ordinary people had much ado to live. The abps. bps. earls, barons, &c. presented a petition to the king and his council, praying, that a proclamation might be issued out settling the Price of Provisions in the manner following:—

'Because, say they, that oxen, cows, muttons, hogs, geese, hens, capons, chickens, pidgeons, and eggs, were excessive dear, that the best ox, not fed with corn, should be sold for 16s. and no more: and if he was fed with corn, then for 24s. at most. The best live fat cow for 12s. A fat hog, of 2 years old, for 3s. 4d. A fat weather or mutton, unshorn, for 20d. and shorn for 14d. A fat goose for 2½d. A fat capon for 2d. A fat hen for a 1d. Two chickens for 1d. Four pidgeons for 1d. and 24 eggs for 1d. And those who would not sell the things for these rates were to forfeit them to the king.' Proclamation was made in every county in England accordingly. Mr. Tyrrel observes, that silver was then at 24d. the ounce, which must argue a great allay in it at that time. This petition being made by a parliament, from thence it became a temporary statute; yet it did not take sufficient effect, by reason that the scarcity of all provisions still increased. A quarter of corn, being sold not long after for 20s. and barley for a mark; the sheep being, also, mostly dead of the rot, and corn being so very dear, hogs and poultry could not be kept, whereby all manner of fresh meats became so scarce, that the king, going to St. Albans in Nov. this year, had much ado to get bread to sustain his family. This parliam. however, granted the king a 20th part of their goods or moveables; but in Staffordshire and Shropshire some refused to pay it, and hindered the collectors, appointed by the king, from gathering it. Their pretence was, that this tax was granted on certain conditions; viz. 'that the king should cause the great Charter of the Liberties of England, the Charter of the Forest, the Ordinances made by the prelates, earls, and barons, and the Perambulation of Forests, to be observed, which had not then been duly put in execution.' The king was much surprised and displeased at this remonstrance, since he had strictly commanded that all these laws should be kept, and had assigned commissioners in all counties to make the Perambulations; whereupon that he might be thoroughly satisfied about the nature of the action, and have the names of the actors, he appointed one of his clerks to go with the collectors, and to make enquiry by themselves, or by the oaths of lawful men of those parts, if it was needful, concerning the particulars, and certify them distinctly to him.—See Tyrrel and Brady.

In 1315, the king summoned a parliament

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to meet at Lincoln Jan. 28; where being met, the king deferred going upon any business, because his cousin Thomas earl of Lancaster, and other great men were not yet arrived, according to whose advice he intended to proceed. But, in the mean time, the chancellor, treasurer, and justices of both benches, were enjoined to bring in briefs of such matters depending before them, in their several places, which could not be determined out of parl. that here in this session they might proceed in them as they ought. The cause of summoning this parliament was declared; being for their advice and assistance against the Scots, who had possessed themselves of the greatest part of that nation, and thrown off all allegiance to England; the king, 'besought and enjoined all his liege subjects, there present, to advise and assist him in this matter. Upon this it was agreed to meet the next day; when being assembled they debated many things, which took up all that day, and the king commanded they should come together again the day following. Here it was agreed, that the act passed the last parl. relating to the proclamation for the prices of victuals, should be repealed, and that they should be sold as formerly at as reasonable rates as they could be afforded. For a very good reason, says Walsingham, because that after that statute, provisions were grown much dearer; the dearth still continuing in a greater degree. Two or three days after the king, by the bp. of Norwich, declared to the whole body assembled, 'that he would observe all the Ordinances, formerly made by the prelates and great men, and also the Perambulations of Forests, made in his father's time; saving to the king his reasons against them.' And writs were made out accordingly. The next day the parl. granted to the king, in aid for his war with Scotland, of every village in the kingdom one stout footman, except cities, boroughs, and the king's demesnes; and these footmen were to be armed and furnished with swords, bows, arrows, slings, lances, and other armour fit for footmen, at the charge of the towns, and their expences to be paid, until they came to the place of rendezvous, and their wages for 60 days after, and no longer, unless the king's service required it, at 4d. a day. Market-towns that were able to be charged further with men, were so to be charged; the king promising to give his letters to the peers and commons and to their heirs, 'that this grant should be no precedent nor drawn into example for the future.'—The same day, by the advice of this parl. the king ordered all the military service due to him, which was the whole militia of England, to be summoned to appear at Newcastle upon Tyne, 15 days after Midsummer. Then the knights, citizens and burgesses granted the king an aid to carry on this expedition into Scotland, which was a 15th part of all moveable goods, on citizens, burgesses, and men of cities and boroughs and the king's demesnes, which they were possessed of at Michaelmas last. Before this parl. was dissolved, the king, to shew his sincerity towards his cousin Th. earl of Lancaster, sent the bp. of Norwich to tell him, 'that he desired he would cast away all fears and doubts on his account, assuring him that he bore the earl a hearty good-will, with the rest of the nobles, and held them to be his faithful liege-men; and further told him that the king desired to have him the chief of his council; requesting him, in behalf of the king, prelates, and great men there present, to take upon him and assist and advise in the affairs of the king and kingdom.' The earl thanked the king and humbly requested time to give in his answer, and after a very short pause he consented to the proposal, and was sworn of the king's council. Our records have preserved the form of this oath, or protestation, which since it is singular, done in parl., and ordered to be entered on the Roll, claims a place in our history.

"Whereas our lord king Edward, by the grace of God king of England, hath with the prelates, earls, and barons of the land, in full parl. requested his dear cousin, the lord Thomas, earl of Lancaster, that he would be chief of his council in all great and weighty affairs, touching himself and his realm; together with other prelates, earls and barons, who shall, between the king and him, take care, that it may be for the profit of the king and the realm; the said earl, for the great love he hath for his lord the king, and for common profit of the kingdom, and the Ordinances, which he had entirely granted to observe, and the right laws to maintain in all points, and in hopes to make amendments in such things as had been ill done in his court, and the estate of his realm, did yield to be of the king's council, with the prelates, earls, and barons; so as at any time, if the king shall not do according to his directions, and those of his council, concerning the matters of his court and kingdom, after such things have been shown him; and that he will not be directed by the council of him, and others, the earl without evil will, challenge, or discontent, may be discharged from the council; and that the business of the realm concerning him, shall not be done, or performed without the assent of him and the other prelates, earls and barons, which shall be ordained or appointed to advise him; and if any of the prelates, earls and barons, shall advise the king, or do other thing, which shall not be for the profit of him and his realm, then at the next parl. by the advice of the king and his friends, they shall be removed; and so it shall be from parl. to parl. as to them, and every of them, according to the faults found in them." In witness hereof this bill was to be entered on the Parliament Roll.

So great were the confusions that followed the last parl. by the Scotish invasions, that though more parliaments were called, yet none sat to do any business to the purpose; and one, particularly, which was summoned to meet at Lincoln, in 1318, the writs being revoked for this reason, 'that his enemies and rebels the

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Scots had invaded England and come into Yorkshire, committing many murders, plundering, wasting and burning the country; so that the king resolved suddenly to march against them with an army to restrain their incursions and bring them to a submission; and therefore this parliament was put off.

In the midst of these tumults, the king found an opportunity to meet his parl. at York; which had been summoned to come to that city, Oct. 20, 1319. Here it was that an indenture, made betwixt the earl of Lancaster and certain prelates, earls, and barons, who were sent by the king to Northampton to consult with the earl relative to the better regulation of the government, was read in parl. and all things in it diligently considered. Upon which the parl. agreed to petition the king, 'that for the honour of himself and the profit of him and the realm, that for the great affairs which concern him and which do daily happen, he would please to assent that 2 bps., 1 earl, 1 baron, 1 baron or banneret of the family of the earl of Lancaster, in his name and for him, should be present and remain with him by turns, or quarters of the year, to deliberate with, and advise him in due manner; and that they might deliberate and advise about all considerable matters out of parl. until a parl. should otherwise determine concerning them; so as none of these things should be debated without the counsel or assent of the prelates, earls and others which remained with the king according to the form of the said indenture; and if any thing was done otherwise it should be void.' The king understanding this request, and, says our authority, desiring to be advised what to do for the honour and profit of him and the realm, agreed to have the said prelates, earls and barons to advise him in the form aforesaid; yet so as his ministers should always perform their offices according to the law and usage of the kingdom. And whereas it was contained in the said Indenture, "that the prelates, earls and barons there named, had undertaken by the assent of the king, that he should make to the earl of Lancaster, his people, or party and followers, releases and acquittances of all manner of felonies and trespasses against his peace, until st. James's day this year; and that the charters of release and acquittances should be absolute without condition, and if better security could be found for them in the next parliament, they should have it, and also confirmed by the king and his baronage; the king by the assent of the prelates, earls and barons, and commonalty of his realm in his said parliament, granted a pardon to the earl of Lancaster and his followers, for the breach of his peace, and whatever belonged to him, by reason thereof; and of all manner of felonies and trespasses committed against the peace unto the 7th of Aug. last past, and a pardon of outlawry to those that should demand it, if any had been pronounced against them, before the making of their charters; and commanded the bp. of Ely, then his chancellor, that he should make charters under his great seal, absolute and without condition, for the earl of Lancaster, and such as he should by his letters name to the chancellor. Also, whereas in the same indenture it was contained, that the Ordinances should be holden and kept as they had passed the great seal, the king now willed and granted, that they should be so observed, and that all these things should be entered upon the parl. roll, and sent to the chancery to be enrolled there, and from thence to both benches, to be likewise enrolled in them."

At this parl. also, the Despensers, father and son, came first upon the stage; Hugh Despenser the younger, being by consent of this assembly made the king's chamberlain. Sir Thos. de la More, the cotemporary historian of this king's reign, writes, that he was put upon the king because they knew he hated him. But the young man soon played his cards so well that he quickly changed the king's mind towards him, and he became as great a favourite as Gaveston; for which he was persecuted with equal fury by the Ordainers.—We have not met with any parliamentary aids given by the clergy for some time; but at a prorogation of this last parl. to meet again after Easter, an aid was demanded of that body: they excused themselves from granting any, without the pope's licence; but allowed that a messenger should be sent to Rome, at the king's expence, for that purpose. At his return he brought a licence from his holiness, that the clergy should grant a 10th for one year, which was done accordingly.

Another confederacy of the barons now started up against the Despensers, father and son, whose lands and lordships they burnt and destroyed all over England. Thomas earl of Lancaster was, also, at the head of this league; and they had bound themselves by certain written instruments, or indentures, to pursue both father and son to destruction. These indentures will be found at large, with the names of the principal confederate lords, in Brady and Tyrrel, under the year 1320.—After many lawless devastations, in which the innocent were involved with the guilty, they marched to St. Albans, from whence they sent five bps. to the king, 'to demand in their names that the two Despensers, Hugh and Hugh, as traitors, should be banished from his court and kingdom.' The king answered the messengers, mildly, 'that Hugh, the father, was beyond sea, in his service, and Hugh the son was at sea, for the guarding the cinque-ports, according to his duty; and that according to right and custom they ought not to be banished without answering for themselves.' This answer, though it seemed so fair and reasonable, says Tyrrel, did but the more enrage the angry barons; who, taking up arms again, marched directly for London, where the king then was, and where, in order to settle these differences and disorders he had called a parliament to meet on July 15, 1321.

The parl. met at Westm. on the day appoint-



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ed, but the discontented lords, though they were so near, came not according to the summons, but remained in London, in an armed posture, in direct defiance of the king and laws, for 15 days after the parl. was begun, without once appearing at it. They held councils, however, by themselves, and, without ever consulting the king about it, they drew up a sentence, or judgment, against the two Despensers, and brought it down to Westm. with force of arms, which the king, being in no wise able to oppose, they got passed into a law and enrolled accordingly. This sentence, or statute, translated from the old French, is as follows:—

"To the honour of God and holy church, and of our lord the king, for the profit of him and his realm, and to maintain peace amongst his people, and the estate of the crown, the prelates, earls, barons, and other peers and commons of the realm, do shew against sir Hugh Despenser, father and son, that whereas sir Hugh the son, at the parl. held at York, was appointed to be chamberlain to the king, in which parl. it was agreed, that certain prelates and other great men should be with the king by turns, at several seasons of the year, the better to advise him, without whom no great business ought to be done; now the said sir Hugh the son, drawing to him his father, who was not by order of parl. to be near the king, or to be one of those counsellors, between them both have usurped royal power over the king and his ministers, and the government of the kingdom, to the dishonour of the king, the injury of the crown, and the destruction of the kingdom, great men and people, and have done the wickednesses underwritten, in contriving to turn the heart of the king from the peers of the land, that so they (the Despensers) may have the sole governm. thereof. That sir Hugh the son made a bill or writing, whereby he would have had sir John Gifford of Brimmesfield, sir Rich. de Greye, and others, enter into a confederacy, to have forced the king to do what he would have him, and had almost done it; the tenor of which bill is underwritten:—1st. Homage and the oath of allegiance is more due, by reason of the crown, than of the person of the king, and is more tied or fixed to the crown, than to the person; and this appears, for that before the state of the crown descends, there is no allegiance due to the person expectant; wherefore if the king does not govern himself by reason, according to the right, or law, of the crown, his lieges are then bound by their oath taken to the crown, to remove the king, and to take care of the state of the crown, by a due administration; for otherwise that oath could not be observed. Now if it be demanded, how the king is to be dealt with, whether by suit of law, or by rigour? not by the former, for no man can be redressed that way, because he can have no judge, unless it be from the king himself; in which case, if the king will not be guided according to reason, he will then be obstinate in his error: wherefore he ought to keep his oath, and when the king will not relieve him, but is outrageous, and will do that which is injurious to his people in general, and withal is prejudicial to his crown, then is it time for them to proceed against him with rigour; for he is bound by his oath to govern his people and his lieges; and they are bound to govern in aid of him, in case of his default.—2nd. Upon any application of the great men and people unto him, the king's answer still was according to the pleasure of these two, in turning the king from his duty against his oath, and the hearts of the great men and people against their liege lord.—3rd. By their evil contrivance, they would not suffer the great men of the realm, nor good counsellors to speak with, or come near the king to advise him, nor the king to speak with them, unless in their presence, or in the hearing of one of them, and that too but when they pleased; thus usurping royal power and sovereignty over the person of the king, to the great dishonour and peril of him, his crown and kingdom.—4th. To attain their wickedness, covetousness, and to the disinheriting of the great men, and the destruction of the people, they had put out good and agreeable ministers who had been placed by assent, and put in others false and wicked, that were of their own party, who would not suffer right to be done; as sheriffs, escheators, constables of castles; and made those justices, who understood not the law, as sir Hugh the father, sir Ralph Basset, sir Ralph Camois, and sir John Inge, and divers others their friends, who caused by false jurors of their alliance, the peers of the land to be indicted: as the earl of Hereford, the lord Gifford of Brimmesfield, the lord Rob. de Monthalt, and other good people, to get their lands from them.—5th. They falsely and maliciously advised the king to raise arms against his people, in Gloucestershire, contrary to the great charter, and the award of the peers of the land; and by their false and evil counsel, would have made war in the land, for their own proper quarrel, to the destruction of holy church, and the people. 6th. Whereas the earl of Hereford, and the lord Mortimer of Wigmore, by the king's command, were assigned to make war upon Lleuelyn Bren, who had levied war against him in Glamorganshire, when the earl of Gloucester's lands, by reason of his death, were in the king's hands; this Lleuelyn had rendered himself into those lords hands, to the king's grace and pleasure, and upon that condition was delivered to the king, who received him accordingly: but when these lords were out of the country, these two sir Hughs, the father and son, usurping royal power, took Lleuelyn, and carried him to Caerdiff. After which, sir Hugh the younger being seized thereof, and pretending to a jurisdiction where none was in this case, there caused the said Lleuelyn, to be drawn, hanged, beheaded, and quartered, feloniously, for things done in the time of king Henry; and they also took upon

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them royal power and jurisdiction, which was appendant to the crown, in disherison thereof, and to the dishonour of the king, the said lords of Hereford and Mortimer, and in ill example and great peril in the like case for time to come. 7th. They ill advised the king, to take into his hands the lands and goods of sir Hugh Audley the son, who was fore-judged without due process, contrary to the law of the land, by the covetousness of the said Hugh to get some of those lands, and by other false pretences, contrived to get the lands of sir Roger Dammory, having attainted him upon his entering into Gloucestershire, to the disheritance of the peers of the land.—8th. That whereas the king had granted by his letters patents to the earl of Warwick, in full parl. at Westm. that after his death, his executors should have his lands, until his heir was of full age; which grant, after the earl's death, was confirmed by the king at Lincoln, at the request and assent of the peers of the land in parl.: yet the said sir Hugh the father procured his son to cause the king to repeal this grant, without cause; and to give the guardianship of the said lands to the said Hugh the father, for his own profit; and also had defeated by evil counsel, what the king had granted in his parliaments, by good advice, and by assent of the peers of the land; to the dishonour of the king, and against right and reason.—9th. That they would not suffer the king to take reasonable fines of the peers of the land, and others, when they entered upon, and received their fees, as it had been used before that time: but by covetousness, to obtain such lands by the royal power, they had caused undue impeachments to be brought, surmising the land to be forfeited, as were those of sir John de Mowbray and others, to the damage and dishonour of the king, and contrary to the law of the land, in disheritance of the great men and others; and also making the king do against his oath in parliament.—10th. By wicked covetousness, and engrossing of power-royal, they would not suffer the king to hear or do right to the great men, upon what they presented to him, on behalf of himself and themselves, touching the disheriting the crown and them, concerning the lands which were the Templars: also by usurping power-royal they governed the king, his council, and prelates; so that in matters concerning them and their friends, or which they undertook, no right could be obtained, but according to their pleasures: to the damage and dishonour of the king, the peril of his oath, and disheritance and destruction of the people of his realm.—11th. Bishops, abbots, and priors elect, who ought to be received of the king, when duly elected, could not come near him, nor speak with him to obtain his favour, until they had agreed and made fine with sir Hugh the son, according to his pleasure; nor those that had any grant to ask of the king, could obtain it, before they had made their agreement or fine with him.—Which wickednesses being notorious and true, as it is found by the examination of the earls, barons, and other peers of the land; therefore we the peers of the land, earls and barons, in the presence of our lord the king, do award, that Hugh le Despenser the son, and Hugh le Despenser the father, shall be disherited for ever, as disheritors of the crown, and enemies to the king and his people; and shall be banished the kingdom of England, never to return again, unless it be by the assent of the king, and by assent of the prelates, earls and barons in parliament duly summoned; and to quit the realm between the time of the date of this statute, and the feast of the decollation of st. John Baptist (or nine and twentieth of August) next coming; and if found in England after the day, or if they return after that day, then to be dealt with as enemies of the king and kingdom."

This in the printed copy of old statutes, is called The Banishment of Hugh Despenser, father and son. Yet it is remarkable that these articles were admitted and taken for granted, without any direct proof, as the manner then was to proceed in parl. After this sentence was publicly read and agreed to, the confederate lords had, yet, another game to play; which the same force would easily carry them through. They bethought themselves that it was necessary to have some security for what they had done; and in order to it they addressed a kind of a petition, or rather a remonstrance, to the king, setting forth,

"That the two Despensers, usurping royal power, and having the king and his ministers and the direction of the law, at their devotion, or in their power, the great men of the land made a confederacy by oath, writing, and in other manner, without the king's leave; and then they and others, with horse and arms, had marched against them, and took and seized divers castles, towns, manors, lands, tenements, goods and chattels of the king's liege-subjects; and some of them they took and imprisoned, and others they ransomed, and some they killed, and did many other things, in destroying the said Hugh and Hugh, and their allies and others in England, Wales and the Marches, of which some may be called felonies; which things having been so done by necessity, ought not to be taken notice of, nor punished by law; nor can be without great trouble or hazard of war. The barons therefore pray the king, for peace sake, for the assuaging of anger and rancour, and making unity in the land; and that he may more entirely have the hearts and good-will of his people, to defend his own countries, and offend his enemies; that it might be accorded, and assented to in full parliament, by the king, prelates, earls, barons and commons; that no great men of the realm, prelate, earl, baron, knight, clerk, or esq. for the confederacy made by oath, writing, or in other manner; or for riding with the king's or other banners displayed; nor for the taking or detaining of any castles, towns, manors, lands, tenements, goods or chattels; the seizing, imprisoning,

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and ransoming the king's liege-people; or for killing of men, and other robberies, felonies, or other things done against the king's peace, which may be judged trespasses or felonies; from the beginning of the world to that day; nor that any people of what condition soever they were, for the trespasses and felonies aforesaid, committed since Candlemas last past, to that day, should be impeached, grieved, or molested at the suit of the king, or any other. But of all such things, by this statute and accord, should be quit for ever; saving to every one, except the said Hugh and Hugh, their right to demand, and recover their frank-tenement and their right; without punishment from the king, or giving damages to the party. And also that it might be granted by the king in the said parl. that if any earl, baron, or any great men, for themselves or others, whom they shall name to the chancellor, between this and St. Michael next coming, will have the king's pardon for suit or process of the peace, or what pertains to him, of all manner of felonies and trespasses done contrary to the peace; or of any disobediences, contempts, conspiracies, confederations, privy covenants, and obligations made against the king, they shall have their several charters of pardon, under the great seal, without paying any fees in the chancery: and that all such writings to the contrary, wherever found, shall be null and void."—After this follows the form of the charter of pardon, that was taken out by the earl of Hereford and the rest of the barons and great men, who had been confederates in this violent undertaking. It bears date at Westm. the 20th of Aug. in the 15th year of this reign.

In 1322 the king issued his summons for a parl. to be holden at York. They met in that city, according to summons, 3 weeks after Easter; when upon the petitions of the Despensers, father and son, to the king, the process and judgment against them for their disheritance and exile were brought into parl. and, upon shewing divers errors in them, they were revoked and made null. All which process and the statute made thereupon, being still on the rolls in the Tower, are translated at large by dr. Brady, because, says he, 'they contain some of the history and much of the practice and manner of great men's living in those days.' As we have given the Articles exhibited against the Despensers, it would be inconsistent with the impartiality we profess, to omit the statute for revoking their sentence of banishment: ce it may justly stand as a summary of the defence they were not allowed to make at the time of their accusation. This statute of revocation first relates to Hugh the son, and begins with the recital of the sentence or award made at a parl. held 3 weeks after Midsummer last past, against the said Despensers, father and son; as also a petition which the son had some time before given to the king, shewing;

"That while he was in his service, as his chamberlain, the lords Mortimers, uncle and nephew, with divers barons there named, made a confederacy by oath and writing, to pursue and destroy him: by virtue of which, they with their retinues, consisting of 800 men at arms, 500 hoblers, or light horse, and 10,000 foot, came to Newport in Wales; and from thence marched forwards to take his towns and castles; and entering upon his lands, they killed part of his tenants or people; some of which were knights, therein named, besides others of the same degree, who were made prisoners; and they took and carried away his goods and chattels. Then it proceeds to recount every thing in particular; as how much provisions of all sorts, what horses, armour, and other things, were lost; as also how many oxen, cows and sheep, to a vast quantity, they then plundered and carried away; together with the loss of his charters, writings, and ready money; as also the burning his granges, destroying his crop upon the ground, seizing of his rents and debts, and disparking his parks; all which damages, as appeared by casting up the particulars therein mentioned, amounted to the sum of near 20,000*l*. Then it further recites, 'That they, the said earls and barons, with all their force and power came to the parl. at Westm. and there, upon false accusations, without calling the said Hugh to answer, against all manner of right and reason, and against the law of the land, erroneously awarded him to be disinherited, and exiled England; wherefore he prays the king, as he is bound by right of his crown, and by the oath he made at his coronation to maintain all people in their rights, that he would please to cause to be brought before him the process of the award made against him, that it may be examined; and that the said Hugh may be admitted to shew the errors in it, and if there shall be any found, he would please to repeal and redress them; with a protestation that he will be hereafter ready to answer any complaint according to reason.'—Next it proceeds to shew the errors of the said process, as, 'lst. that the great men who pursued and destroyed him, prayed pardon of the king for all those things which might be judged felonies or trespasses in that pursuit, which they made by their own authority; by which they wrongfully made themselves judges of him, where they could not, nor ought to be judges. 2d. That the said Hugh was not called into court, to answer when the award was made; also, that the sentence was given without the assent of the prelates, who were peers in parliament. 3d. That there was no record of their pursuit, or the causes contained in the award; also, that the award was made against the form of the great charter: wherein is contained, that no man shall be forejudged, nor in other manner destroyed, unless by judgment of his peers, or by the law of the land.—Then he requests the king to take notice, 'that the great men were summoned to come duly to the parl. yet did not, but came with horse and arms, and all their force: after which he the said Hugh came in,

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and surrendered himself prisoner to the king; praying to be received into his protection, to prosecute his complaint, and that right might be done him in these matters: that the king received him as he ought to do; and caused his petition to be carried to the abp. of Canterbury, the bps. and other prelates and clergy in the province of Canterbury, then being in a provincial council at London; charging them by the faith they owed to him, to advise about the petition, and let him know their thoughts concerning it. And when they had well advised thereupon, they answered, that it seemed to them, that the process and award of the exile, and disinheritance of Hugh the son, and father, were erroneous and wrongfully made; wherefore they agreed, and unanimously assented as peers of the land, and prayed as peers spiritual, that the award which was made wickedly and wrongfully against God and all manner of right, might be by the king repealed, and annulled for ever. And they said further, that they, nor any of them ever assented to the said Award; but that every one of them, at the time when the Award was made, did make protestation in writing, that they could not, nor would assent to it for several reasons. And the earl of Kent, the said king's brother, the earls of Richmond, Pembroke, and Arundel, with the prelates, being before the king, said, the award was wrongful, and against law and right; and prayed him, as the prelates had done before, to null and make void the award: and the said earls affirmed, that for fear of the force, which the great men suddenly brought to the parl. in order to make the award, which was to them unknown and unexpected, they gave their assent to it, and also advised the king to suffer it to pass; for which offence and mistake they prayed his pardon."

Then immediately follows in the same record, a like petition delivered in parl. by Hugh le Despenser the father, being to the same effect with that of his son's; setting forth, "That the same great men before named, and other adherents and confederates, with force and arms, on the day of St. Barnaby, in the 14th year of the king, came to his manor of Fastern in Wiltshire, and 12 others in that shire, and in other counties, viz. 6 in Gloucester, 4 in Dorsetshire, 5 in Hampshire, 2 in Berkshire, 6 in Oxfordshire, 3 in Buckinghamshire, 4 in Surrey, 1 in Cambridgeshire, 2 in Huntingdonshire, 5 in Leicestershire, 1 in Yorkshire, 1 in Lincolnshire, 5 in Cheshire, and 5 in Warwickshire;' in all 63 manors there named; which shews the vast estates the two lords Despensers had in those days. But as for the destruction and havock the barons made upon the lands of Hugh the father, they were much to the same effect with those that were done to the son, only greater; as 'the driving away of 23,000 sheep, 22,000 oxen, heifers and cows, besides the spoiling of two crops, one in the barn, and the other upon the ground; the taking away above 600 horses and mares, besides a vast quantity of provisions of all sorts, and armour for 200 men; and the destruction of his houses and goods to the value of above 30,000*l.* as also the taking away out of the king's castle at Marlborough, 36 sacks of wool, a chalice and cross of gold, divers rich vestments and other ornaments belonging to the chapel; besides other goods and furniture, to the damage of 5,000*l.* more."

Next follows the king's judgment in this form, "We afterwards at our parl. held at York 3 weeks after Easter, in the 15th year of our reign, caused to come before us the Process of the Award; as also the Petition of the said Hugh the son, and Hugh the father, in these words; to the honour of God, and holy church, &c. At which parl. at York, the said Hugh the son, and Hugh the father, being brought before us in court, prosecuted their complaints, and prayed us to do them right; when the said Hugh, the son, for himself alledged the errors in the process, as aforesaid; and also Hugh the father alledged the same errors, and prayed severally and jointly, that as the award was made erroneously and wrongfully, against the laws and usages of the realm, and against common right and reason, that we would annul and defeat the said award, and that they, the complainants, might be remitted and reconciled to our faith, and to such estate as they had, and were in before the awards. And hereupon hearing the reasons of the said Hugh and Hugh, we caused the process to be examined in full parl. in the presence of the prelates, earls, barons, knights of counties, and the people that were come by reason of the parl.; and we found the said award was made without calling them to answer, and without the assent of the prelates, who are peers of the realm in parl., and against the great charter of the franchises in England; which says, No freeman shall be banished, or otherwise destroyed, but by lawful judgment of his peers, or the law of the land; and for that they were not called in court, to make answer, &c. for these errors, and for that the causes of the said award were not duly proved: as also having regard to this, that we caused the parl. at Westm. to be summoned in due manner, and commanded by our writs the said great men, who made the said award, not to make assemblies and alliances, or come with armed men; yet they came with all their force to that parl., notwithstanding our command; and when they came to London in that manner, they held their councils and assemblies without coming to us at Westm. according to summons; and when we sent to them to come to the parl. at Westm., as they ought, they would not come, nor let us know their mind, nor the cause of the award, though we had begun and held the parl. for 15 days and more, and caused to come before us the prelates, and some earls and barons, knights of counties, and others, who came for the commons of the realm; and caused it to be published, that those that had petitions to promote, should deliver them; and after pro-

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clamation thus made, no petition was delivered, or complaint made against the said Hugh and Hugh, until they, the barons, came as aforesaid; and the contrivance of the said award they wholly concealed and kept from us, unto the very hour they came to Westm. with force and arms, and made their award against reason, as a thing treated and agreed on amongst themselves, by their own authority, in our absence; encroaching upon the regal power, jurisdiction and connusance, and judgment of those things which belong to our royal dignity: wherefore we could not at that time stop the said award, nor do right to the said Hugh and Hugh, as it belonged to us. And further taking notice, that those great men, after the award made, prayed our pardon and release for confederating themselves by oath, writing, or in other manner, without our leave; in pursuing the Despensers, and marching with our banners, and their own ensigns displayed; and taking and possessing castles, towns, manors, lands, tenements, goods and chattels; and also taking and imprisoning people of our allegiance, and others; some they wounded, and some they killed, and many other things they did in order to destroy the said Hugh and Hugh, in England, Wales, and other where: of which some might be called trespasses, and others felonies. Also it appeared, that those great men were enemies to, and hated them at the time of the award, and before; wherefore they ought not to be their judges, in their own prosecution of them, nor have record upon the causes of the said award. And we are bound by oath made at our coronation, and obliged to do right to all our subjects, and to redress and cause to be amended all wrongs done to them, when we are required; according to the great charter, by which we are not to sell or delay right and justice to any one: and at the pressing advice and request of the prelates, given us for the safety of our soul, and to avoid danger, and to take away an evil example for the time to come, of such undertakings and judgments in the like case, against reason: wherefore we seeing and knowing the said process and award, made in the manner aforesaid, to be as well to the prejudice of us, the blemish of our crown and royal dignity, against us and our heirs, as against the said Hugh and Hugh, and for other reasonable causes: We by our royal power, in a full parl. at York, by the advice and assent of the prelates, earls, and barons, knights of counties, and commons of the realm, and others, being at our parl. at York, do wholly annul and defeat the said award of the exile and disheritance of the said Hugh and Hugh, and all things in the award; and do fully remit and reconcile the said Hugh the son, and Hugh the father, to our faith and peace, and to the estate they had and were in, before the making that award in all points. And we adjudge, that they have again seisin of their lands and tenements, goods and chattels, &c. And we will and command, that wherever the said award is enrolled in any of our courts, it be cancelled and annulled for ever."—Accordingly the Roll was cancelled and remains so at this day, with this mem. written under the said award: 'These things above written are nulled and cancelled by the force of the Award, and decree made in the parl. at York, held 3 weeks after Easter, in the 15th king Edw.'

In this parl. also at York, the prelates, earls, barons, &c. there assembled, caused to be rehearsed and examined the Ordinances, dated the 5th of Oct. the 5th of Edw. II. and for that, by examination thereof, it was found in the said parl. "That by the things which were formerly ordained, the king's power was restrained in many things contrary to what was due to his seigniory royal, and contrary to the state of the crown; and also for that in times past, by such ordinances and provisions made by subjects over the power royal of the ancestors of our lord the king, troubles and wars came upon the realm; by which the land or nation was in danger; it was accorded and established in the said parl. by our lord the king, the prelates, earls, barons, &c. at that parl. assembled, that all those things ordained by the former Ordainers, and contained in those ordinances from thence forth for the time to come, should cease and lose their force and effect for ever; and that from thence forward in no time, no manner of ordinances or provisions made by the subjects of our lord the king or his heirs, by any power or commission whatever, over or upon the power royal of our lord the king, or his heirs, or against the state of the crown, shall be of any value or force, but all things that shall be established for the estate of the king and his heirs, and for the state of the realm and people may be treated, accorded, and established in parl. by the king, with and by the assent of the prelates, earls, barons, and commonalty of the realm, as hath been accustomed."

About this time the king of France had summoned his brother of England by two ambassadors, to come over to him and do homage for the territories which the latter held in that kingdom. His two ministers, the Despensers, dissuaded Edw. from going in person; and after the time prefixed was elapsed, the French king seized upon all Guienna and Gascoigny, as forfeited to him by Edward's non-appearance. But before that could happen, the king thought proper to take the sense of his parliament about this embassy; and one was accordingly summoned to meet at London, the beginning of Lent in 1323. They were called together to treat of divers public affairs, but, particularly, what answer was to be given to the embassy, concerning the king's going over to do homage. The lords and others were unanimous in their opinions, 'that the king should not go in person, but should send certain embassadors on purpose to excuse his coming over at all, or, at least, to delay it for a time.' Accordingly, two persons of great distinction, the earl of Kent, brother to the king, and the abp. of Dublin,

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were then nominated for that employ. At this parl. the king demanded a pecuniary aid from the clergy and laity, to discharge the ransom of John earl of Richmond, who had been taken prisoner by the Scots, at the battle of Byland, in Yorkshire. But this proposal was refused by the barons, for this reason, 'that no such tax ought to be raised, but only for the ransom of the king, queen, and their eldest son, if they should happen at any time to be taken prisoners' And so that demand fell.—In this parl. Adam de Orleton, bp. of Hereford, was arrested of high treason, and was examined before the king and lords, on divers articles. It was laid to his charge, 'that he had entertained certain of the king's enemies, had appeared in the field with them, had furnished them with arms, and had given them his assistance, favour, and advice.' The bishop being a shrewd and learned man, said little at first to this accusation, but being further urged, he answered, 'my lord the king, saving all due reverence to your majesty, I being an humble minister of God's church, and a consecrated bishop, though unworthy, ought not to answer such high matters, without the licence and authority of my lord the abp. of Canterbury, who next to the pope is my proper judge; as also with the consent of the rest of my fellow-bishops.' The abp. of Canterbury with his suffragans, rising up, implored the king's mercy for him; and he was delivered to the custody of the abp. till the king should resolve when to summon him again, to answer to what might be farther laid to his charge. Soon after the king summoned him again to answer in his court of justice, which the abps. &c. hearing of, they came in great form, with their crosses, and took him away from the bar, threatening to excommunicate all that withstood them. Upon which Edw. caused a bill of indictment to be preferred against him to the grand jury of Herefordshire, which being found, the king immediately seized on all his temporal possessions.—In this parl. also, all the manors and possessions of the knights templars, were by the common consent of both clergy and laity granted to the knights hospitalers of st. John of Jerusalem, for ever; as appears by the statute, at large, made for that purpose, under this title, '*Statutum de Terris Templariorum.*'

It was now that the king's domestic grievances began to appear. The queen had found means, under pretence of settling some differences, to get the king's leave to go into France, as also to take her only son the prince with her. She staid so long that the king began to be very uneasy at her absence, and wrote several letters to her to return, to which she always gave evasive answers. At last being much solicited, she said it was the fear she was in from the younger Despenser was the occasion of her delay. And whatever letters and mediators the king made use of to prevail on her to come to him, or to send the prince his son, they were all to no purpose. This lady had formed a scheme of a very scandalous and dangerous nature, and she deferred coming over till she could put it in execution. The discontented barons, who still hated the Despensers, had, by means of Adam bp. of Hereford, gained her to their interest. And Roger Mortimer, her favourite, having escaped out of the Tower into France, she had the less occasion for her husband's company. In short, she found means to raise an army of 2 or 3000 men, with whom she transported herself and her son, and landed at Harwich; where she was immediately joined by the earl mareschal, the earl of Leicester, and other barons and knights who had been rebels to the king; and, to give the greater sanction to her cause, with no less than 4 bps. and all their attendants. The king's affairs were now in a miserable way: he made some struggles, it is true, to withstand this tempest, but all proved too weak, and he soon found himself overborne by it. The two Despensers were taken and executed, without either hearing or trial, and the king himself made a prisoner in Kenelworth castle.

No sooner was the queen secure in her new got possession, than she thought to establish it by a parliamentary sanction. Accordingly a writ was issued out for proroguing a parl. which was to meet on the 15th of Dec. as summoned by the king (*teste rege apud Lidbury*) but this writ is not on record; and it is more likely that it was a trumped up writ for form sake, and to ground their prorogation upon; for both Tyrrel and Brady agree in this, that the unfortunate king could know nothing of the sealing this writ, since he had sent his great seal to the queen and prince some time before. The tenor of the queen's writ for that parl. was 'to be holden by Isabel, queen consort of England, and Edw. the king's eldest son, guardian of England, he being then out of the land, to be holden by the king, if personally present, or in his absence by the said consort and son, &c.' But, by what authority soever called, this parl. met at the time appointed, viz. Jan. 7, 1327, at Westm. The first thing that was moved there was by the aforesaid Adam de Orleton, bp. of Hereford, who put this memorable question, 'Whether king Edward the father, or his son Edward, should reign over them?' He was seconded by several other bps. and it was not long before they all agreed the son should have the government of the kingdom, and be crowned king; for the reasons following:—1st. That the person of the king was not sufficient to govern; for in all his time he was led and governed by others, who gave him evil counsel, to the dishonour of himself, and destruction of holy church and all his people, not considering or knowing whether it was good or evil; nor would remedy these things, when he was requested by the great and wise men of his realm, or suffer them to be amended.—2nd. That in all his time he would not give himself to good counsel, nor take it, nor to the good government of his kingdom; but always gave

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himself to works and employments not convenient, neglecting the business of his realm.—3rd. That for want of good govt. he lost Scotland, and other lands and dominions in Gascoigne and Ireland, which his father left him in peace and amity with the k. of France, and many other great persons.—4th. That by his pride and cruelty he destroyed holy church, and the persons of holy church, putting some in prison, and others in distress; and also put to shameful death, and imprisoned, banished, and disherited many great and noble men of the land.—5th. That whereas he was bound by his oath to do right to all, he would not do it, through his own lucre and the covetousness of him and his evil counsellors which were with him; neither regarded the other points of the oath which he made at his coronation, as he was obliged.—6th. That he abandoned his realm, and did as much as he could to destroy it and his people; and what is worse, by his cruelty and the default of his person, he was found incorrigible without hopes of amendment. And that all these things were notorious beyond contradiction.

These articles were, by common consent of parl. sent to the king, then a prisoner at Kenelworth castle. The committee chosen for that purpose, had a power given them 'to resign their homage and fealty to the king, in the name of all the rest, to give him notice of the election of his son, and to procure his voluntary resignation of his crown; or, if he refused, to give up their homages and proceed as they thought fit. Sir Thomas More has informed us by what means this resignation was obtained. He writes that the bishops of Winchester and Lincoln came before the rest to the king to smooth the way; and that these prelates, along with the then earl of Lancaster his keeper, persuaded his majesty to resign his crown to his son. 'Promising him as much honour after his resignation as before; and, on the other hand, threatening him that if he would not, the people would yield up their homage and fealty, pass by his sons, and chuse a king out of the royal line.' After this deputation from the grand committee had softened and brought the king to their own temper, the whole body of them was introduced. No sooner had he heard their message, than he swooned away, and had fallen to the ground, had he not been supported by the earl of Lancaster and the bp. of Winchester. However, coming to himself, he answered, with tears in his eyes, 'That he was very sorry he had so misbehaved himself towards his people, and asked pardon for it of all that were present, but, seeing now it could not be otherwise, he returned them thanks for chusing his first-born son in his room.' He then made his resignation, by delivering up the royal ensigns of sovereignty, the crown and sceptre, which the commissioners had taken care to bring for that purpose; after which, one sir Wm. Trussel, chosen as procurator, was ordered, by the whole committee, to pronounce their resignation of homage to the king, which he did in this form:—

"I, Wm. Trussel, procurator of the prelates, earls, and barons, and other people in my procuracy named, having for this full and sufficient power, do surrender, and deliver up to you Edw. k. of England, before this time, the homage and fealty of the persons in my procuracy named, in the name of them, and every of them, for certain causes therein mentioned; and do return them up to you Edw. and acquit or discharge the persons aforesaid, in the best manner that the law and custom can give it; and do make this protestation in the name of all those that will not for the future be in your fealty, or allegiance, nor claim to hold any thing of you, as king; but account you as a private person, without any manner of royal dignity."—The ceremony ended with sir Tho. Blunt's, the high steward's, breaking his staff, declaring all the king's officers discharged from his service, in the same manner as if the king was actually dead. The commissioners returning to parl. with the king's answer and the royal ensigns, made the common people rejoice; and presently, the whole community of the kingdom admitted Edw. a youth of 14, to be their king. All this was done on the 20th of Jan. 1327, and which is called the first day of his reign; for from that time he acted as king, as appears by the writ to all the sheriffs of England to proclaim his peace, dated two days before his coronation.

*Taxes in this king's reign.*

In his first year the earls, barons, knights, and all others of the kingdom, granted a 20th of their moveables, except their armour, war-horses, jewels, robes, and vessels of gold and silver, of knights and other freemen, and of their wives. And the citizens, burgesses, and tenants of the ancient demesnes of the crown, granted a 15th of their moveables; as also did the clergy.—In his second year the laity granted a 25th of their moveables. In his 7th year the earls, barons, knights, freemen, and commons of counties, gave a 20th of their goods; and the citizens and burgesses, and communities of cities and boroughs, gave a 15th. In his 8th year he had a 20th of the moveables of the laity, granted by the commons of the counties of the kingdom assembled in parl. In his 9th year he had granted a 15th of the citizens, burgesses, and tenants in ancient demesnes, for his war with the Scots, in the parl. held at Lincoln; the same year, the community of the kingdom, or the military men, were then also summoned to do their service. In his 15th year the prelates and clergy of both provinces met in two synods or convocations, the one at Lincoln, the other at York; the former of which the abp. of Canterbury was immediately to summon, to treat of a competent aid to be granted to him towards his expedition against the Scots, who had then invaded England. In which writs, he recites that the prelates, earls, barons, noblemen, and the commons, granted him a 10th of the goods of the community or body of the kingdom, and a 6th of the goods

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of citizens, burgesses, and tenants of ancient demesnes. Mr. Tyrrel observes, 'that in this king's reign we find few or no complaints of any taxes imposed by colour of his prerogative, contrary to law, notwithstanding the exorbitant power of the two Despensers: but this might be owing to their policy, who having made themselves so obnoxious to the nobility, would do what they could to make the common people their friends. But towards the latter end of his reign, the confiscation of the estates of the earl of Lancaster, and the rest of the barons attainted, were so considerable, that though he gave away a great deal of lands to the Despensers and their adherents, yet that which still remained in the crown made him to have a greater revenue than any of his predecessors since Henry II.'s time.'

*Price of Provisions in this reign.*

In 1309 wheat sold for 7s. 2d. a quarter; and malt for 6s. Wine at about 43s. 7d. a tun. Oats 4s. a quarter. A hog about 3s. 2d. A mutton about 3s. A goose about 3½d. A fowl about 3d. A pig 6d. A shield of brawn 4s. But these being for a prior's feast seem to be charged high. In 1314 a corn-fed ox for 1l. 4s. and a grass-fed ox for 16s. A fat mutton for 1s. 8d. And four pigeons for 1d. In 1315 wheat sold for 20s. a quarter; malt 13s. 4d. and salt for 1l. 15s. In 1316 wheat sold for 1l. 12s. the quarter. In 1317 wheat sold at Leicester for 2l. 4s. a quarter, being excessive scarce; and in the same year fell to 14s. But all these particulars will be found, drawn out with the utmost nicety, in bp. Fleetwood's Chronicon Pretiosum.

## EDWARD III.

The young king being then but 14 years of age, his hands were thought too weak to manage the reins of govt. accordingly, the parl. assigned him 12 guardians, viz. 5 bishops, 2 earls, and 5 barons. Over all these, by general consent of the parl. and of the 12 guardians themselves, Henry earl of Lancaster, Lincoln, Leicester and Derby, the king's cousin, was deputed to have the chief care of his person. On the 3d of Feb. 1327, two days after the coronation, a petition was presented to the king and parl. from all those that had been any ways concerned in the quarrel of Tho. earl of Lancaster, 'praying to be restored to their estates with profits of them from the time they had been wrongfully disseised.' It was unanimously agreed by the assent of the whole parl. 'that all lands and tenements which had been seized, by reason of the said quarrel or contention, should be restored, as well in Ireland and Wales as England, together with their profits and arrears of rent, except those that had been received to the king's use.' And this quarrel was affirmed to be just by the whole body assembled. On the same day all those that came over with the queen and the prince her son, and those that joined with them after their arrival, were also pardoned and indemnified. This parl. continued sitting for above a month after the king's coronation: in which time many acts of state were passed relating to different countries and affairs, for the greater security of the present possessors. As, also, several grants of money, &c. bestowed on the queen and her accomplices; besides pardons, and indemnifications, to a vast number of people, by name, who had been concerned in the late commotions, under the earl of Lancaster, and the other barons. In 1328 a parl. was summoned to appear at York, on Sunday after Candlemas-day, to treat of certain articles of peace, which had been propounded between Scotland and England at Newcastle. But nothing was done at it, because several bps. and other great men did not come to this meeting. Therefore writs were issued out for calling another 3 weeks after Easter to Northampton. In this parl. a scandalous peace was trumped up between the English and Scots, contrived and directed by the queen and Roger Mortimer. The articles were, 1st. 'that prince David, son and heir to Robert king of Scots should marry the princess Joanna, Edw's eldest sister; in consideration of which he was to grant the Scottish king a charter, to release all his claim to superiority, which Edw. or his ancestors had over Scotland; and to deliver up all charters and instruments concerning the same. In this parl. also the Despensers, father and son, Edmund late earl of Arundele, who had been executed by the queen's party, without any legal process made against them: Walter Stapleton, late bp. of Exeter, and sir Rd. Stapleton his brother, both beheaded in the insurrection at London, were attainted of high treason, by the direction, says Barnes, of the queen mother and the lord Mortimer. Whether this proceeding, adds he, was out of implacable malice which pursued them beyond the grave; or to cover their late unjustifiable actions against these persons by a parliamentary sanction; it is certain that in all the proceedings of this parl. the honour and profit of the king and realm was not so much regarded, as the enriching, security, and advancement of lord Mortimer.

Some matters of moment happening soon after this last parl., new writs were issued out, bearing date Aug. 28, for another to meet at Salisbury, the Sunday next after the 15th of st. Michael. The earl of Lancaster, the lord Wake and some other noblemen refused their attendance at this meeting; the earl giving for reason, 'That being appointed by parl. the king's chief counsellor and guardian of his person, the lord Mortimer had now taken to himself the regal power, and would not permit him to come near the king, so as to advise and protect him according to his trust. That though it had been decreed that no person whatsoever should presume to come armed to this parl., yet the lord Mortimer came with a great many armed men, by which he the said earl did not think his person in safety.' This being certified to the king and parl., it was thought very rea-



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sonable by several lords: and the king's two uncles, Tho. of Brotherton, and Edm. earl of Kent, went over to the earl of Lancaster's party. It was not long, however, before they deserted him, and the earl of Lancaster was reduced to such straits, that to make his peace he was obliged to ask pardon of the queen and Mortimer, at the head of his army.—The aforesaid lord Mortimer being now in the zenith of his power, sought to establish it by the basest means; and judging that Edm. earl of Kent, the king's uncle, stood in his way, he subtlely drew him into a sham plot in order to destroy him. The particulars are given at large by Barnes, in his history of this king's reign; from which it appears, that Mortimer knowing he had proof enough against him, summoned a parl. to meet at Winchester, on the 13th of March 1329. Here the noble earl was attainted of high treason, and by the unanimous consent of his peers, adjudged to death.

The young king being now come to a more mature age, and being made a father by the birth of a son, which his queen brought him at Woodstock, afterwards called Edw. the black prince, began to look more about him; and endeavour to shake off the fetters which his mother and her minion had put upon him. To that end he, of his own accord, summoned a parl. to meet at Nottingham, on the 14th of Oct. 1330. It was here that the king's eyes were more open, and he was better informed about the practises of his mother and Mortimer; and that he himself was in so small danger if things continued in the same state. All which being represented to him, by some well affected lords, the king gave orders to them to seize Mortimer and bring him to public trial and justice. The manner how this arrest was executed is largely told by all our historians, but, particularly, by Mr. Barnes; the earl's person was seized, as well as all his adherents, in the castle and town of Nottingham, and sent prisoners to the Tower of London. After which, the king being at Leicester, adjourned the parl. from Nottingham to Westminster, there to sit on this extraordinary affair, the 26th of Nov. following. The writ for summoning a new parl., or adjourning the last, being in a form very unusual, dr. Brady has given us an abstract of it in his history. But a much more singular writ than this that was directed to the abp. of Canterbury, was sent to all the sheriffs in England; in which the evil designs of the late minister, in packing of parliaments to his purpose, is openly declared. A translation of which out of the Public Acts, vol. 4, p. 453, in old French, claims a place in our enquiries.

"The king to the sheriff of Lancashire, greeting.—Since we have been lately informed that several oppressions and hardships have been put upon many of the people of this realm, by some that were our ministers in diverse offices, aided by some of our nobility, as well privy councellors as others, so that our affairs, by reason of the tenderness of our age, were managed by these people to our great damage and dishonour; which things we can no longer suffer; it is our greatest desire that all matters may be put in their due estate, and these wrongs and misprisions redressed.—We therefore charge and command you, on the faith which you owe us, that immediately without delay you proclaim in your jurisdiction, as well within liberties as without, that all those who can make complaint of any oppressions, hardships, or other grievances to them done, contrary to right, and the laws and usages of our realm, should appear at Westminster, at our ensuing parl. and make their complaints to us, or to our deputies, and we will see that they have as good and speedy relief as in reason they can desire.—And, because that, before this time, several knights, representatives for counties, were people of ill designs, and maintainers of false quarrels, and would not suffer that our good subjects should shew the grievances of the common people, nor the matters which ought to be redressed in parl., to the great damage of us and our subjects;—we, therefore, charge and command that you cause to be elected, with the common consent of your county, two, the most proper and most sufficient knights, or serjeants of the said county, that are the least suspected of ill designs, or common maintainers of parties, to be of our said parl. according to the form of our writ which you have with you. And this we expect you shall do, as you will eschue our anger and indignation. Given at Woodstock, Nov. 3rd. By the King."

The parl. being assembled at Westm. on the day appointed, the young king, it is said, made a speech to them, complaining much against the conduct of the queen and Mortimer; and that with the consent of his subjects, he designed to assume to himself the reins of govt. though he was not yet arrived to the age prescribed by law. The parl. gladly consented; all the members being equally ready to second his designs. For this hint of a speech we have no better authority than M. Rapin; where he had his, the marginal notes do not declare; it is likely that the matter was proposed to the parl. by some of the ministry, it not being the custom in those days to speak from the throne, as the reader will find in the sequel.

*Articles of impeachment against ld. Mortimer.*

The next thing we find done at this parl. was, the exhibiting the following Articles against the lord Mortimer, which we shall here give, translated from the French original, now on the rolls in the Tower:—

"These are the treasons, felonies, and mischiefs done to our lord the king, and his people, by Roger Mortimer, and others of his company.—1st. Whereas in the parl. holden at Westm. next after the king's coronation, it was ordained, that 4 bps. 4 earls, and 6 barons should remain with the king to advise him, and that 4 should still be with him, viz. 1 bishop, 1 earl, 2 barons at least, and that no great business should be done without their

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assent; after which parl. the said Roger not having regard to the said assent, usurped to himself royal power, and the govt. of the realm, above the state of the king, and put out and placed officers in the king's house, and other where throughout the kingdom, at his pleasure, such as were of his party, and set John Wyward and others about the king, to observe his actions and words; so as he was encompassed by his enemies, that he could do nothing as he would, but only as a man under guard or restraint.—2nd. Whereas the king's father was at Kenelworth, by order and assent of the peers of the land, to stay there for his ease, and to be served as such a great person ought to be; the said Roger by his usurped power, which he exercised over him at his pleasure, ordered that he should be sent to Berkley castle, where, by him and his confederates, he was traiterously, feloniously, and falsely murdered and killed.—3rd. The said Roger by his usurped royal power, forbad by the king's writ under the great seal, that any should come to the parl. at Salisbury with force and arms, under pain of forfeiting whatever they had to the king; yet thither he came with others of his party with force and arms to the said parliam. contrary to the prohibition aforesaid; wherefore divers peers of the land, as the earl of Lancaster and others, knowing the manner of his coming, would not be there: and whereas the prelates were assembled in one house, to consult about the business of the king and realm, the said Roger broke open the doors of the said house with armed men, upon the prelates, and threatened them with life and member, if any of them should be so hardy as to speak or do any thing contrary to his pleasure in any point. And in the same parl. by the said usurped power, he caused the king to make him earl of March, and to give him and his heirs several lands in disherison of the crown; and afterwards the said Roger, and those of his party, led the king armed against the said earl of Lancaster, and other peers of the land, as far as Winchester, when they were coming to the parl. at Salisbury, so that the earl and other peers, to avoid the evils that might have happened, out of regard to the king, departed and went toward their own countries, grieving that they could not speak with, or advise their liege lord as they ought to do.—4th. The said Roger, by the said usurped power, caused the king to march forcibly against the earl, and other peers of the land, who were appointed to be with the king, to advise him; and so prosecuted them with force, that the said earl and some others of his company, that wished well to the kingdom, submitted to the king's grace, saving to them life and member, and that they might not be disinherited, nor have too great a fine set upon them; yet he caused them to be fined so grievously, that half their lands, if sold outright, would only pay it; and others he caused to be driven out of the nation, and their lands to be seized, against the form of the great charter, and law of the land.—5th. Whereas the said Roger knew well the king's father was dead and buried, he by others of his party in deceivable manner, informed the earl of Kent, that he was alive; wherefore the earl being desirous to know whether it was so or not, used all the good ways he could to discover the truth, and so long, till the said Roger by his usurped royal power, caused him to be apprehended in the parl. holden at Westm. and so pursued him, as in that parl. he procured his death.—6th. The said Roger, by his usurped royal power, caused the king to give to him and his children, and confederates, castles, towns, manors, and franchises in England, Ireland, and Wales, in decrease of the revenues of the crown.—7th. The said Roger in deceivable manner caused the knights of shires, at the parl. at Winchester, to grant to the king one man at arms out of every town of England, that answered in the court of the Eyre by 4 men, and the provost, (*i. e.* the rieve or bailiff of the lord of the manor) to serve at their own cost, for a year in his war in Gascoigne; which charge he contrived for the advantage of himself and party, in destruction of the people.—8th. The said Roger, by his said usurped royal power, caused summons to be sent to many great knights and others, that they should come to the king wherever he was; and when they came, he caused them to be charged to prepare themselves to go into Gascoigne, or fine at his pleasure; which fines were for the benefit of him and his party.—9th. The said Roger falsely and maliciously made discord between the king's father and his queen; and possessed her, that if she went to him, she should certainly be killed with a dagger, or otherwise murdered; and by this way, and his other subtleties, he so ordered it, that she would not come to her liege lord and king, to the great dishonour of her son and self, and great damage of the whole realm per chance in time to come, which God forbid.—10th. The said Roger by his said usurped royal power, had caused to be taken for him and his party, the king's treasure, as much as he pleased, without tale, in money and jewels, in destruction of the king, so that he had not wherewithal to pay for his victuals.—11th. The said Roger, by the said usurped power, caused to be shared between him and his confederates, the 20,000 marks which came out of Scotland, for the articles of peace, without any thing received by the king.—12th. The said Roger, by his above-mentioned royal power, received the king's duties and purveyance through the kingdom, as if he had been king; and he and his party had with them double the company of men and horse that were with the king, in destruction of the people, not paying for their quarters any more than they themselves pleased.—13th. The said Roger, by his said royal power caused the king to agree to the mounting of 200 Irish chevaliers, or horse, being of those that killed the great men of Ireland and others, who were in the king's faith; whereas the king ought immediately to have revenged

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their deaths, rather than pardoned them, contrary to the statute and assent of parl.—14th. The said Roger contrived to have destroyed the king's secret friends, in whom he had most confidence; and he surmised to the king, in the presence of the queen his mother, the bps. of Lincoln and Salisbury, and others of his council, that his said secret friends had excited him to combine with his (the said Roger's) enemies beyond sea, in destruction to the queen his mother, and of him the said Roger; and this he affirmed so impudently to the king, that he could not be believed against what he had said; and for these things, and many others, not as yet fit to be declared, he had been apprehended: wherefore the king charged the earls and barons, the peers of the land, as these things concerned himself, themselves, and all the people of the realm, to do right and true judgment upon him for the crimes above written, as being notorious and known to be true, to themselves, and all the people of the kingdom."

Then the earls, barons, and peers, having examined these articles, came into parl. before the king, and they all delivered their opinion, by one of their body, 'that all things contained in the said articles were notorious, and known to themselves, and all the people;' wherefore they, as judges in parl. by assent of the king, did award and judge the said Roger as a traitor and enemy to the king and kingdom, to be drawn and hanged, and commanded the earl mareschal to execute the judgment, and the mayor, aldermen, and sheriffs of London, with the constable of the Tower, and those who had the guard of him, to be aiding and assisting with the earl mareschal at the execution; which was performed accordingly on the 29th of Nov. at a place then called the Elms, and afterwards Tyburn.

The king in his parl. charged the earls, barons and peers, to give right and true judgment against Simon de Bereford, kt. who had been aiding and advising with Roger Mortimer in all the treasons, felonies, &c. for which he was afterwards adjudged to die, as was notoriously known to the said peers; whereupon they came before the king in parl. and said all with one voice, 'that the said Simon was not their peer, and therefore they were not bound to judge him as a peer of the land:' but since it was a thing so notorious and known to all, that he was advising, aiding and assisting the said Roger in all the felonies, &c. aforesaid; and that he was guilty of divers other felonies and robberies, and a principal maintainer of robbers and felons; they as peers and judges of parl. by assent of the king, do award and adjudge him, as a traitor and enemy to the king and realm, to be drawn and hanged; and the earl mareschal was commanded to do execution; which was done accordingly. But it appears by the same parl. roll, that it was then also declared, that though the lords and peers in parl. had for this time, in the king's presence, proceeded as judges to give judgment upon those that were no peers; yet hereafter this should be no precedent to draw them to give judgment on any other but their peers, in case of treason or felony.

Then the peers proceeded and passed judgment upon the principal actors in the murther of the late king Edw. and the death of Edm. earl of Kent; and for the latter of these, sir John Maltravers being found guilty in making him falsly to believe, that the said king was alive, the said John was sentenced to be drawn, hanged and beheaded as a traitor, when and wherever he should be found; and the peers prayed the king to issue forth his proclamation, that any one who could take him alive, and bring him to the king, should have 1000 marks; and if he could not be taken alive, he that should bring his head, should have 500*l.* of the king's gift. Further, the same judgment was given against Bogo de Bayons, and John Daveril, for the same cause, and he that could take Bogo alive, and bring him to the king, should have 100*l.*; or if he brought his head, he should have 100 marks; and he that could take John Daveril alive, and bring him to the king, should have 100 marks; or if he could bring his head, he should have 40*l.* The same judgment was given likewise against Thos. de Guerney, and Wm. de Ocle, for the death of king Edw. 'that they had falsly and traitorously murthered him;' and he that could take Thomas alive, was to have 100*l.*; or if he could bring his head, 100 marks: he that could bring Wm. de Ocle alive, was to have 100 marks, or his head, 40*l.* Likewise amongst the pleas of the crown of this parl. there is recorded the arraignment of the lord Thos. de Berkele, for the death of Edw. II. to this effect; for that the said king was committed to the keeping of the said Thos. and John Matravers, in the castle of the said sir Thos. at Berkele, when he was murthered; the said sir Thos. saith, 'that at the time of the death of the said king, he was sick at Bradelve, without the said castle, and knew not what was done there, nor was consenting thereunto; and thereupon put himself upon his trial by 12 knights, named in the record, who found him not guilty, nor that he fled, or withdrew himself upon it; but since he had placed under him Thos. de Gurney, and Wm. de Ocle to keep the king, by whom he was murthered, he had a day given him to hear his judgment in the next parl.; and in the mean time he was committed to sir Ralph Nevill, steward of the king's houshold.

In 1331 Edw. called a parl. at Westm. to meet the day after Michaelmas day; in which the bp. of Winchester, chancellor, declared the cause of the summons to be, 'concerning the duchy of Aquitain, and the king's possessions beyond sea, whether peace should be made or other issue put to the dissentions between the kings of England and France, by reason of the said territories. As also about affairs in Ireland, concerning the king's going thither, to ordain how peace might be the best kept in that nation.' It was agreed that the king's business

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should be preferred before any other. Upon this, the chancellor applied himself to the prelates, earls, barons, &c. for their advice, 'Whether they thought it best for the king to proceed by way of process of war, or by an amicable treaty with the king of France, for the restitution of Aquitain?' The parl. agreed to the last, as the least dangerous way of proceeding; and the bps. of Winchester, Worcester, and Norwich, with the lords Beaumont, Percy, and Montague, sir Jeffry le Scroop, and sir John de Shoreditch, were sent to the French king for that purpose. As to Ireland, it was resolved, 'that the king in person should go thither; but, to prepare his way, a certain number of forces, under able commanders, should be sent before him; and that those especially that held any lands there, should go speedily over for the defence of that kingdom.' Also it was ordained, 'that all learned men in the law, who should be appointed as justices, should by no means be excused on any pretence whatsoever.' And further it was ordered, 'that search should be made into his Majesty's records, to see what methods had been formerly taken for the civilizing and well governing the people of Ireland.' In this parl. it was agreed that all feats of arms should be defended, as well by the justices as others, until the king and his council should otherwise appoint. Also that Isabel, the queen mother, should have yearly 3000*l.* in rents and lands, allowed her for her maintenance. And that none of the estates in parl. should retain, sustain or avow any felon, or other common breaker of the law. Lastly, it was enacted, that no purveyance of victual should be made, but for the king, queen, and royal family, and that by good warrant and ready payment.—See Barnes's Edw. III. p. 63.

Another parl. was summoned to meet at Westm. March 12, 1332; reciting in the summons the king's reasons for calling them. Where, that we may see, says Joshua Barnes, what prudent care was then taken, by these august assemblies, that their debates should not be awed by fear, or disturbed by tumults; it was first by the king's order proclaimed, 'that no man, upon pain of forfeiting all his substance, should presume to use or wear any coat of metal, or other weapon offensive or defensive in London, Westm. or the suburbs of the same. And also, that during the time of this session, no games or other plays of men, women, or children, should be used in Westm. to the disturbance of the parl.' Here also, adds he, we shall mention the laudable custom of parl. in those days, whereby certain committees were appointed not only to be receivers, but also tryers of petitions, who were to enquire of the matter of fact, expressed in the petition; that so it might be cleared and rightly stated before it came to be debated in full parl. The chancellor opened the session with a speech, more fully declaring the king's reasons for calling them. The purport of it was to acquaint them, 'that his maj. had received a message, that the k. of France, with many other kings and princes, having appointed to go to the Holy Land, in the present month of March, they much desired the company of the king of England, for the better strengthening themselves against the common enemy of Christendom. The king therefore desired the advice of this parl. whether it was proper to accompany them in this expedition or not.' Then sir Jeffry Scroop of Masham, in the king's presence, and at his command, declared further, 'that this meeting was called, as well to redress the breaches of the laws and his peace, as for the voyage to the Holy Land. That the king was informed, and it was notorious to all, that divers people defying the law, were gathered together in great companies, to the destruction of the king's subjects, the people of holy church, and the king's justices; taking and detaining some of them in prison, until, to save their lives, they had received great fines and ransoms, at the pleasure of the evil doers; putting some to death, robbing others of their goods and chattels, and doing other mischiefs and felonies.' Therefore he the said sir Jeffry, on behalf of the king, charged the prelates, earls, barons, and others there assembled, on their faith and allegiance, 'that they should advise him concerning his voyage to the Holy Land, which he very much desired to undertake; as also how the peace might be kept, and how these rioters might be chastised and restrained from their wickedness.' After these speeches were ended, the abp. of Canterbury stood up and said, 'that it did not properly belong to their function to be present at criminal debates;' and with a proviso of reserving their rights still to themselves and successors, withdrew, with the proctors of the clergy, to consult by themselves. The earls, barons, and other grandees, consulted also apart; and the representatives of the commons apart; they at that time having no particular speaker. The result of these separate consultations was, that the lords and great men returned into the king's presence, and by the mouth of sir Henry Beaumont, whom they had chosen for their speaker, declared that their advice to the king was, 'that he should ordain justices in every county of the kingdom, for the conservation of the peace against offenders, with power to punish and repress them. And further, that certain officers should be appointed for apprehending malefactors, and levying the hue and cry.' Accordingly commissions were issued out to the sheriffs, and best men of every county, to apprehend and imprison, and raise the *posse-comitatus* against them; and cause them to be indicted and punished according to their deserts.

After settling their domestic concerns, this parl. went upon the consideration of foreign affairs; and it was unanimously agreed, that the time mentioned by the French king for Edw. to join with him in the crusade was too little for that purpose. Then sir Jeffry Scroop,

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by the king's command, told them, 'That whereas in the last parl. at Westm. it had been agreed that the differences on foot between the kings of England and France, concerning the territories beyond sea, should be reconciled by treaty, by way of marriage, or by some other amicable manner; that thereupon the king had sent his commissioners to the French king, who had treated with them, and reported back, that his maj. of France told them, that if it pleased their master to come over in person, he would shew more favour to him than to any other. Wherefore it was necessary to send speedily to the said king, and for this end the advice of the parl. was demanded; whether the king should go over in person or not.' The parl. consented to his going, in hopes that all obstacles towards an agreement between them might be thereby removed, and much advantage accrue to the realm. They advised also, that the Irish expedition might be postponed for this year, but that an army should be sent over into that country.

It is worthy of remark that this is the first time that we can find that the Commons ever separated from the Lords and made a distinct house by themselves, though without a Speaker. Also that the lower clergy were present at this parl. represented by their proctors, sat by themselves, the bishops included, and not with the lay-commons, as some writers, without any just grounds, have asserted, It seems here likewise, that Justices of Peace, such as we have at this day in power, were first appointed. And lastly, that though this parl. did not sit a whole week, yet it shews how much business was dispatched in a few days, when all things were drawn up and ready prepared by the king and his council beforehand.

Edw. called another parl. to meet on the 9th of Sept. 1332, at Westm., where the bp. of Winchester, lord chancellor, declared, 'That the cause of their meeting was about the affairs of France, and the king's expedition thither, to put a stop to the success his enemies gained in those parts.' The parl. being adjourned to Thursday following, they were alarmed with some sudden news out of the north, which made them fear an invasion from the Scots; whereupon the lords and commons did each by their several petitions advise the king not to go into France, or Ireland, but to send to the latter a sufficient supply of men and money, whilst himself marched a strong army towards the north, in order to watch the motions of the Scots. For this expedition the king had granted him a 15th of all the personal estates of the prelates, lords, and knights of shires; and a 10th of the cities and boroughs: but they desired, 'That the king would please to live of his own, without grieving his subjects by outrageous prizes, or such like illegal taxations.' Hereupon the king revoked the late new commission for raising of certain tallages or customs, and promised from henceforth to settle the same according to the old rates.

Shortly after this parl. was dissolved, the king removed his court to York, where he received the speedier account of the posture of affairs in Scotland. Here he summoned a new parl. to meet, a few days before the feast of st. Michael; but they did not meet until the 2d of Dec. following. We find that sir Jeffry Scroop was again the king's prolocutor on this occasion; and declared the reason of that meeting was, 'That the king having lately understood that the lord Baliol had caused himself to be proclaimed k. of Scotland, and the truce with David Bruce was newly expired, he demanded their advice whether he should fall upon Scotland, in his own name, and claim the dominion thereof as his own right; or else, by joining with king Baliol, should take the advantage of recovering the homage and services his ancestors had enjoyed.' But because great part of the prelates and clergy were absent, nothing was then resolved on, but the parl. was adjourned to the 5th of Jan. following; the king being obliged to send out fresh summons, strictly enjoining all persons to attend, and to delay no longer or hinder the king's weighty affairs on any pretence whatsoever.—At the time of adjournment, all appeared; and on the 1st day of their sitting commandment was given to the mayor of York, in presence of the king and all his parl., to see the king's peace kept in the said city and suburbs thereof, and to arrest all that offended against it. Also, proclamation was made against weapons and plays, by the steward and mareschal, before the house where the parl. sat, and by the mayor and bailiffs in the city. After all this formality, our records are short as to any notable transactions of this parl. Some Chronicles tell us, that the lord Beaumont, the earl of Athole, with several other lords, who had been engaged with k. Baliol in the Scotch affair, appeared at it; being sent by the said king to use all their interest to engage Edw. and the parl. to declare in his favour. At the same time came certain envoys from king David Bruce, 'To beseech the king that he would give no assistance to his enemy, but rather to aid him who was his brother-in-law, and ally, with whom also he was then at amity.'—It does not appear that any direct answer was given to either of these petitions; it is only said that the king was advised, 'Not to act against his own subjects, who had lost all their estates in Scotland, by the late articles of peace, and who had taken up arms only to regain them.'—It may readily be imagined by the consequences of affairs, that the politics of those times inclined the king to take this advice. For though he religiously kept the late treaty with Scotland, on his own part; yet, no sooner was the 4 years truce expired, but he sent ambassadors to David the young king, demanding a restitution of Berwick, and that he should come and do his homage to the k. of England. This being utterly denied by David and his nobility, they declared war against them, and, according to their instructions, defied their king.

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For the more effectual carrying on of this war, Edw. had summoned a parl. to meet at York, in March, 1333. Here he acquainted them with his design of marching directly into Scotland, in person, to assist k. Baliol, and reduce Berwick to his obedience; which the whole assembly readily agreed to. They gave their opinion, 'That the king could no longer, with honour, put up the wrongs and injuries daily done to him and his subjects by the Scots; and therefore they humbly advised his maj. to provide such force of men and arms, as might not only reduce Berwick to his obedience, but also compel the king of Scots to seek his peace, by rendering unto him the accustomed homage for that kingdom: and in this enterprise they all promised to assist him in purse and person.' —To this parl. k. Baliol had been summoned, as holding of Edw.; but he understanding that his enemies had laid wait for him in his journey, durst not come; but sent a sufficient excuse by the lord Beaumont and others, declaring the reasons of his non-appearance at that time: which apology was accepted by the king and parl.—We refer the reader to Mr. Barnes's history of this king's reign, and to the more general English historians, for the progress of this war. We need only say, that Edw. surpassed his grandfather in the rapidity of his conquests: for in a very short time he had over-run all Scotland; and soon after received Baliol's homage to him, in a parl. at Edinburgh, as sovereign lord of that kingdom.

Edw. on his return into England, held another parl. at York, which had been summoned to meet Feb. 21, 1334. The chief matters there enacted were, "That the Great Charter and the Forest Liberties, and other good statutes, should be duly observed; and what clauses therein were obscure should by good advice be explained.' There were also several other acts made in this parl., for which see Statutes at Large, and Cotton's Abridgment of Records.

In the same year, after a great council held at Nottingham, a parl. was summoned to meet at Westm. on the 14th of Sept. The choice of this festival almost declared the occasion of the summons; which was, 'That the king being thereunto invited by his cousin the duke of Bretaign, who came lately on an embassy from France, had formed a resolution to take a voyage with his brother of France and other christian princes to the Holy Land. He told them the reason he had not answered k. Philip before, when he applied to him for this expedition, was, that he had learned the French king had fitted out ten great ships, designed to assist k. David's party in Scotland. Yet, as these ships had been miserably shattered at sea, and were forced to return home without any effect; and also that Scotland seemed pretty well settled, under the govt. of k. Baliol, he was the more willing to partake with the rest of the princes, in this pious and honourable enterprise; though he had set no time for the doing of it.'—We cannot learn what answer the parl. gave to the king on this declaration; but whether they agreed to this project, or not, it was frustrated by advices out of Scotland which came at that time, intimating that the Scots had again rebelled against k. Baliol, had taken some English lords prisoners, and defeated their forces. Upon this news the parl. granted the king a 15th from the lords and knights of shires, a 10th from the clergy, and the like from the citizens and burgesses.

The king soon turned all his thoughts towards Scotland, and coming to Nottingham, issued out writs for calling a parl. to meet at York about Whitsuntide, 1335; there to treat how to carry on the war against the Scots. What was done in that affair we know not; for at the intercession of a bp., sent by the French king for that purpose, a truce was granted for 6 weeks. At this parl. 'several more statutes were enacted, very serviceable to the peace and welfare of the realm.—The time of the truce, being concluded the Scotch war began again, and continued with great fury and various success till the next year. When at a parl. called at Northampton, June 25, 1336, the king received advice that the French king had so far espoused the Scotch quarrel, as to engage himself to protect and assist them; and to that purpose, had sent over several eminent commanders, with considerable supplies of men, money, and ammunition. Edw. was not at all displeased with the news, because it gave him now a just occasion to turn his arms against France; and he hoped also that as soon as ever the French and Scotch were joined they would give him battle, which the latter had hitherto industriously avoided. Flushed with these martial thoughts, Edw. privately stole away from his parl. whom he left at their debates; and with wonderful expedition arrived at st. John's-Town in Scotland, where he found k. Baliol ready at the head of the forces of both nations. Having again ravaged all Scotland over, from sea to sea, and finding nothing to resist him, he returned into England, to a parl. which met at Nottingham, Sept. 25, this year. Here Edw. obtained a new grant to carry on his wars in Scotland and Gascoigny, of a 20th from the nobility and gentry, a 10th from the citizens and burgesses, and a 6th from the clergy. Besides, the merchants of England were taxed to to pay 40s. a sack for all wool transported; and foreigners 3*l*.

The next year another parl. was summoned to Westm. about the middle of March, 1337. It was here enacted, 'that no wool of English growth should be transported beyond the seas; and that all cloth-workers should be received from whatever foreign parts they should come, and fit places should be assigned them, with divers liberties and privileges, and that they should have a certain allowance from the king, till they might be fixed in a way of living by their trade.' It was also ordained, 'that none should wear any cloaths wrought beyond

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sea, or hereafter to be imported, except the king, queen, and their children:' also, 'that none should wear foreign furs or silks, unless he was worth 100l. annual rent.' Besides taking care of the great interest of the nation, in the aforesaid particulars, the king was minded to reward past services, and therefore several new honours and liberal grants were conferred on those noblemen who had served him faithfully to that time. Accordingly, in full parl. the king created his eldest son prince Edw. duke of Cornwall, being the first that ever wore that coronet in England. And 6 earls, Hy. of Lancaster, earl of Derby; Wm. Montacute, earl of Salisbury; Hugh de Audley, earl of Gloucester; Wm. Clinton, earl of Lincoln; Wm. Bohun, earl of Northampton, and Rob. Ufford, earl of Suffolk. All these creations, with the grants of several lordships, castles, rents, &c. for the better support of these new dignities, are largely treated of in Barnes's Edw. III. p. 112, 113.

A parl. was summoned to meet Sept. 27, 1337, at Westm. where the king's intention of going over into France was declared. The whole nation was then very hearty in the cause, and their representatives cheerfully contributed towards it. The laity granted a 10th penny from the community, and a 15th from the citizens and burgesses. The clergy were not backward in the matter, for the abp. of Canterbury and his convocation gave a 10th of their temporalities for 3 years. Some further regulations were made in this parl. for the encouragement of the woollen manufactory; where it was enacted, that all Flemish weavers, and those of other countries, should have free liberty to come over, and inhabit in England, and exercise their trade.

The last parliamentary aids granted to the king being not thought sufficient for the mighty affair he was about to undertake; another was called, which met at Westm. Feb. 3, 1338. Here the laity granted to the king ½ of their wools, throughout the whole realm, for the next summer. He also levied of the clergy the whole 10th, causing them to pay 9 marks for every pack of the best wool; but one half he took of all persons, whether merchants or others, according to the aforesaid grant. And he took, also, a 15th of all the commonalty in the realm, in wool, the price of every stone, at 14lbs. the stone, being rated at 2s. The king, also, issued out a commission for seizing upon the estates of the Lombard merchants, then in London, who by reason of their extortion in usury, were become odious and a public grievance to the nation. All their jewels, ready-money, &c. were to be delivered to the constable of the Tower, to be kept for the king's use. About the same time he seized into his hands the goods and revenues of all alien and foreign priories, especially of the Cluniac and Cistercian orders, which were immediately let out to farm to those monks, who paid a sufficient rent for them during these wars. The wools which were gathered for the king's use, were sent into Brabant, amounting to 10,000 sacks, under the direction of two noble merchants, the earls of Northampton and Suffolk, who sold the same in Upper Germany for 40l. a sack, amounting in all to 400,000l. By these means the king became exceeding strong in the sinews of war, but the country was thereby so exhausted of money, that victuals and other commodities became exceeding cheap. A qr. of wheat was sold at London for 2s. a fat ox for 6s. 8d. a fat goose for 2d, and 6 pigeons for a 1d.—On the 16th of July Edw. embarked at Harwich, with a royal navy of 500 sail, accompanied with many earls, barons, &c. to the number of 20 of the chief nobility of the kingdom, and in a short time after arrived at Antwerp, belonging then to the duke of Brabant.

Whilst the king was absent in Flanders, the young prince Edw. duke of Cornwall, as guardian of the kingdom, by commission from his father, called a parl. to meet at Northampton. The writs were dated, Aug. 25, 1338, and the meeting was appointed to be 15 days after Michaelmas following. Here was granted such an aid as never had been given to any king before; and shews how well this king, and the cause he was engaged in, was relished at that time by his subjects. Upon every town a tax was laid of a 20th of their goods, where the value amounted to 20s. He had, also, granted him all the wool in the kingdom, to be bought at a low price; which must have amounted to a vast proportion, since only the 3 counties of Leicester, Lincoln, and Northampton, afforded no less than 1211 sacks of wool. The bps. abbots, priors, rectors, vicars, justices, and the noblemen, &c. who held of him, *in capite*, and went not with him to the wars, were taxed, some 100, others 200*l.* apiece, according to their estates and abilities. At a convocation, also, held the 1st of Oct. a 10th was granted from the clergy for 2 years to come.

The next year the young prince, being but then 10 years of age, called another parl. to meet at Westm. having received an express commission for it from his father. On the 13th of Oct. they met, and a further aid was demanded to carry on this important and expensive war. The abp. of Canterbury, the bp. of Durham, and sir M. de la Pole, were sent by the king, then in France, to shew the lords and commons, 'what he had done beyond sea, with his condition there, and the mischiefs that had befallen him and his followers, for want of supplies from England. That he and others who were with him were entered into obligations for 300,000*l.* ster. and more, towards the charge of his auxiliaries, and that he could not handsomely march from thence without giving his creditors satisfaction. Lastly, for this cause, and for the maintenance of him and his quarrel, which was undertaken by the common consent of them all, and that the business he came about might be the more effectually done, he ought to be supplied with

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a very large sum.'—This remonstrance was answered effectually, for the aid granted by this parl. was as large as the king's demand. The nobility immediately gave him every 10th sheaf, fleece, and lamb of their demesnes, except of their bond-tenants, to be paid for two years; desiring, at the same time, that the illegal duties set upon wool should be revoked, and that this grant should not turn into a custom. The commons, though they declared themselves very forward and willing to assist the king, yet prayed the regent, 'that he would summon another parl. in a convenient space, and in the mean time they would take the sense of their constituents about it, desiring likewise that two knights of the best estates, in their several counties, should be chosen in that parl.'—Accordingly writs were issued out, dated Nov. 16, for another parl. to meet the 20th of Jan. following.

Prince Edw. being called over by his father to Antwerp, 6 commissioners were appointed to hold the ensuing parl. in his stead. The proceedings of this parl. are so accurately described by Mr. Barnes, that we think it proper to give them in his own words:—"When the time of the next session of parl. approached, there were appointed to preside in it John Stratford, abp. of Canterbury, lord chancellor, and Wm. de la Zouch, abp. of York, lord treasurer, with the dean of York, and sir John Willoughby, deputy lord chief justice, sir John Stonore, justice of the king's bench, and sir John St Paul, any 4, 3, or 2 of these, were by the king's letters patents appointed to begin, continue, and end the parl. for, and in the name of the king, and the lord warden of England, and there to do all things, which the said guardian should do, until his, or the king his father's coming. The commission began *Edwardus, D. Gr. &c.* and ended, *Teste Edwardo, Duce Cornubiæ & Com. Cestr. Filio nostro charissimo, Gardiano de Angl.*—These commissioners aforesaid caused sundry of the lords and commons to assemble in the presence chamber, before whom, because several of both houses were not yet come, they continued the parl. from day to day, till the 20th of Jan. during which time, merchants, owners of ships, and mariners, did attend. The causes of assembling the parl. were declared to be for granting the king an aid, for keeping of the sea, and for defence of the north Marches: hereupon the commons required time to consider thereof till the 19th of Feb.; and then they unanimously offered to the king for aid 30,000 sacks of wool, on certain conditions. But for the better expedition, after some debate, they yielded to give the king presently 2500 sacks of wool; so, as if the king liked the conditions aforesaid, the same should go in part of payment, if not, they were freely offered unto him. The lords promised to send unto the king to know his pleasure, and in the mean time, they also for their parts, grant, that such of them, or of their peers, as held by a barony, should give to the king the 10th of their grain, wool, and lambs, and of all their own demesnes."

No sooner had king Edw. carried his conquests so far as to assume unto himself the style and arms of that kingdom, but he caused his great seal to be changed, and added the Fleurs-de-Lis of France to the Lions of England. Finding it necessary for his affairs to return into his own country, to raise more money on his subjects, he called a parl. immediately after, when the writs of summons, directed to all the sheriffs in England, were sealed with his new broad seal; they were dated at Harwich, Feb. 21, 1340, being the very day of his landing. On the 29th of March the king met his parl. at Westm. and it appears by the date of the writs that, in case of absolute necessity, a parl. might be then called within less than 40 days, though the usage is otherwise now. The cause of their summons was declared to be, "for granting him a great aid or else he should be for ever dishonoured, and his lands, as well on this side as beyond the sea in great danger, if he should lose his allies. That he was in his own proper person obliged to return to Brussels, and stay there as a pledge, until the sum he was engaged for was all paid. But, in case he might have a sufficient aid, all these mischiefs would be prevented, and his design, by the help of God, have a good issue." Wherefore, at the king's request, the parl. having regard to his declaration, granted him the 9th sheaf, fleece, and lamb, and the citizens and burgesses the 9th of all their goods and chattels, according to the true value, for two years next coming. They, also, granted a 15th on all foreign merchants that did not reside in cities and towns; likewise upon those people that dwelt in forests and wastes; and upon all those that lived by labouring at husbandry; beggars, cottagers, and slaves, only excepted: upon condition that the king would consent to enact and establish, that from thenceforth no custom should be taken for one sack of wool but half a mark; and of lead, tin, hides, leather, or wools, nothing but the ancient custom. Yet, notwithstanding they made this request to the king, this parl. unanimously granted him, of every sack of wool 40s. of every last of leather 4l. of every 300 of wool-fells 40s. and of every other sort of merchandize, to be exported, according to their weight or measure; to commence at Easter this year, being the 14th of the king's reign, to Whitsuntide in the year ensuing. From which last date, and forwards, the king granted that neither he nor his successors should desire, take, nor permit to be taken, more than two marks for custom on a sack of wool, belonging to the English; and of skins, leather, and other merchandizes, according to ancient custom. Knyghton, who is very expressive in these taxations, goes on and writes, that a sack of wool ought to weigh 26 stone, every stone being 14lb.; and that every Englishman or foreigner, going out of England into foreign parts, should find good and sufficient security for the payment of these



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customs, before his going abroad, viz. That he should bring back with him a piece of silver or gold plate, to the value of two marks for each sack of wool, and so for other merchandize, as aforesaid, at his return. The same piece of plate to be carried to the king's exchange, there to receive the overplus of it in coined money. For this extraordinary grant to the crown, the king on his part, granted many things for the ease of the public; as pardoning offenders in forest laws, giving felons goods, and many other matters as are contained in a charter made for that purpose.

Edw. having stiled himself king of France and altered his arms, his English subjects thought themselves in danger of becoming a province to France, as being the greater kingdom. The lords and commons therefore besought him, 'that they might be bound to obey him, only as king of England; and that this nation should not be put in subjection to him as k. of France.' The king to give his subjects entire satisfaction in that matter, and to remove that jealousy, gave the parl. his letters patents of indemnity; which will be found in the Statutes at Large, an. 1340. There was little else material done in this parl. except that the marquis of Juliers, who had done Edw. great service in France, was created earl of Cambridge, with a pension of 1000*l.* a year.

In a short time after this parl. the king went abroad again; and whilst he lay at the siege of Tournay, another parl. was held, by commission, on the 7th of July, in the same year, at Westm. The reasons of their meeting being declared by the abp. of Canterbury, then chancellor, to be, '1st. To consult what further course was best for the king and his allies to take against France. 2nd. To provide for the common peace, and how to keep good order at home. 3rd. To take care for the defence of the northern parts. 4th. For the dominion at sea. 5th. How to answer to the king the subsidy last granted him.' On the next day, being Thursday, the great victory which the king had lately obtained at sea was openly declared in parl. and it was moved by the chancellor, 'that to go on so as to perfect these happy beginnings, he must be further enabled with great supplies of money: that the king desired their advice how it might be raised with the least grievance to the people.' The answer to this was postponed till Saturday; at which time the lords and commons granted the king, as in the last parl. the 9th of their corn, wool, and lamb, and many other useful provisoes were made for answering the same. The same day came the earls of Arundele and Glocester, with sir Wm. Trussel, from the king with letters signed with the privy seal, and directed to the lords and commons in parl. assembled; purporting his great naval victory near the port of Swyne; and pressing for a speedy supply of money to carry on the war this summer. In obedience to these demands, the parl. went immediately upon ways and means to supply him; and John Stratford, abp. of Canterbury, Ralph Stratford bp. of London, with other bps. abbots and knights, freely undertook, on their own credit, to raise the king 20,000 sacks of wool. So that for every sack, of the best sort, the king should receive 6*l.* for other 5, and for the worst 4 marks; besides his custom of 40*s.* on every sack; and of all this money a speedy return to be made to the king. It was stipulated, however, that the subsidy of next year should be employed for the payment of this loan, and this to be confirmed by the king's letters patents. Mr. Barnes has given us an account of a large quantity of provisions, which were ordered for the use of the king's army by this parl. viz. 2000 qrs. of wheat, 500 of beans and pease, 800 flitches of bacon, 2 tun weight of cheese, and 100 tuns of wine. Two persons there named were appointed purveyors general of the ports of Sandwich and Southampton; and 4400*l.* were assigned out of the aids of the counties of Essex and Oxford for the king's butler. The further proceedings of this session we shall give in the words of Mr. Tyrrel: "Then it was further agreed in parl. that for the speedy sale of this wool, and turning it into money, as also the 9th fleece which had been given in the last parl. the sheriffs should be commanded to send up from all cities and boroughs of their several counties, certain merchants, to appear before the king's council at Westm. on the 15th of Aug.; to treat with them about the buying the said wool in all counties. Where the abp. of Canterbury, with some other bps. earls, and barons of the king's council, there named, treated with them, and contracted for a great number of sacks of wool; the money to be paid at Bruges within 3 weeks after, or upon the 8th of Sept. or else upon the feast of st. Michael next ensuing at the farthest. The merchants of Bardeton and Prussia contracted for a great deal of this wool, and engaged to pay the money to those of Louvain and Malines; and several particular persons are there named, both Almans and others, that had been retained by king Edw. The lords of the council sent for divers persons to account before them, and ordered them to return this money to the king beyond the sea: but what the reason was that these returns were not made to the king accordingly, is hard to determine; for some of our writers lay the fault upon the merchants that were to return the money; and others, upon the knavery or negligence of the king's officers, who having got these wools into their hands, did not deliver them to the merchants according to agreement.

Pursuant to what Mr. Tyrrel relates, the king, finding himself pinched for want of remittances, and having contracted great debts abroad, in order to carry on the war this last campaign; he determined, within himself, to go privately back into England to find out the defaulters, and punish them according to their deserts. Accordingly, he took shipping in Zealand, with only his queen and 8 more persons

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of quality; and, after riding out a furious storm, which held them for 3 days together, he landed safe at the tower, about two o'clock in the morning, Nov. 30, in the year 1340. Upon the king's entering the tower, he found no guard there upon duty, and only his children and a few servants that waited on them; for which he presently sent for the constable and committed him to close confinement in his own prison. In the same manner he served the mayor of London, the keeper of the great seal, the lord chief justice of the king's-bench, three clerks of the chancery and one of the exchequer, who having all been concerned in raising or receiving the late subsidies, soon found lodgings in the same prison. The bps. of Chichester, and Litchfield and Coventry, the one his chancellor, the other lord treasurer, he turned out of their offices and imprisoned for a time; but durst not detain them, for fear the Clementine Constitutions, forbidding bps. to be imprisoned, should affect him. But the greatest ecclesiastical person he had to deal with, in this affair, was the abp. of Canterbury who he well knew was as culpable as any. Many severe messages were sent from the king to the prelate, who had retired to his own palace at Canterbury; and some as haughty answers were returned. At last the king resolved to lay the whole before his parl. and to take their opinions how he ought to proceed.

Accordingly, a parliament was summoned to meet at Westm. Ap. 23, 1341, the causes whereof was declared to be, 'how the king might be speedily supplied with the grants given him last year, upon his going over in person against his enemy Philip of Valois, great part of which was detained from him by evil officers; and how a sufficient sum of money might be raised for the king's present necessities.' After which a declaration was made in the king's name, 'that whoever of his subjects should think themselves hardly dealt with, either by himself or any of his officers, upon complaint and proof made thereof, should have redress. To this parl. the abp. of Canterbury came, though he had no writ of summons; attended with a great company of his clergy and many knights. Upon his entrance into the house, the high steward and chamberlain met him, who in the king's name forbad him to enter the parl. until he had undergone a trial in the exchequer, for divers things laid to his charge. The abp. lest he should move the king too much, vouchsafed to go into that court, and there took a copy of the articles, of which his accusation consisted, and to these he promised to return an answer. Upon which he was suffered by the king to come into parl. and there, before the whole assembly, he declared the cause of his coming to be, 'for the honour, rights and liberties of the church, for the profit and commodity of the realm, and for the interest and honour of the king: and, lastly, that he might clear himself in parl. of several crimes laid to his charge, and published all over England to his prejudice.' This occasioned a great debate amongst the lords on this question, 'whether the nobility of the land should be put to answer, except before their peers in open parl.?' A committee of 12 peers was appointed to draw up a representation to his majesty; and they were, also, to enquire concerning the crimes laid to the abp's charge, and fairly to represent how far they thought him blameable. Joshua Barnes is so particular in the sequel of the controversy, betwixt the king and the prelate, that we cannot do better than give it in his own words.

"Whereupon are named 4 bps. 4 earls, and 4 barons, to draw up the platform for the king's view. These being also to enquire concerning the crimes laid against the abp. and to prepare them for the king, among other things determined, that the ld. chan. the lord treasurer, and other high officers of state, should be included under the names of peers; and set down a request, that all conditions and estates might enjoy their proper and peculiar liberties. By that time these things were thus forwarded, the abp. came again to the parl. but was forbid by the captain of the king's guard, sir Wm. Attewood, to enter: whereupon he spake thus to the people that flocked about him. 'My friends, the king by his writ of summons hath called me to this parl. and I, who am the chief peer of the realm, and who next the king have the first voice in parl. claim the rights of my church of Canterbury, and therefore require entrance into parl.' Tyrrel says, the abp. was not summoned to this parl. But when for all this being kept out by the guard, he could not enter, he took his cross in his own hands, and solemnly protested that he would not stir from that place, till the king gave him leave to come into parl. or a sufficient reason why he should not: while he stood there in this manner, some that were by, began to revile him, telling him, that he was a traitor, and he deceived the king, and betrayed the realm. To whom the abp. said, 'the curse of Almighty God, and of his blessed mother, and of st. Thomas and mine also, be upon the heads of them that inform the king so. Amen. Amen.' In this hurry certain noblemen chancing to come out, he besought them to request the king in his behalf, and for the right of his church of Canterbury; this they kindly promised him to do. And accordingly by the intercession and favour of the lords, the king gave leave for his admission into the house, where he offered to purge himself lawfully in parl. of the crimes objected against him: but he was referred to the consideration of the 12 peers, who had his cause in hand at that time. On the 19th of April, being Thursday, the king came into st. Edw's. chamber, commonly called the painted chamber, before whom, in sight of the lords and commons, the abp. humbled himself, and required his gracious pardon; which upon the whole parl's. general suit and entreaty his maj. granted. After which the abp. desired, that whereas he was publicly defamed through the realm, he

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might now be arraigned in open parl. before his peers: but the king answered, he would first attend to the common affairs, and after that examine lighter matters. However, a little after, without any more accusation, or answer, the king of his own accord declared him legally purged and excused; his maj. having no mind to destroy so able a minister, but only to humble him and break his high prelatical obstinacy, which for a while seemed ready to cope with the regal power."

The further proceedings of this parl. require somewhat more attention than the former; a matter of great moment being the consequence thereof. The better to clear the way before us, we shall subjoin another extract from Barnes; "Upon occasion of the late contest between the king and the prelate, the clergy of England in this parl. made their requests to the king, that the liberties of holy church may be kept, and the great charter be newly proclaimed, and by oath confirmed. The king answered, 'that it was his desire that magna charta should be observed; but that it seemed to him sufficient, for either that, or other their liberties, to be exemplified under the great seal; and that more oaths were not necessary; especially since already too many were forsworn throughout the land.' Then they shewed, how several of the clergy were imprisoned by the king's officers without due process, and that therefore they may be delivered: to which the king answered, 'that he intended not any clergyman should be attached against law; and that he would be ready to hear, if any was in this manner imprisoned, either against magna charta, or the statute of Northampton.' They complained further, that several of the king's officers had entered divers religious houses, and having by oath extorted a confession of goods there deposited, carried them away. The king answered, "that he would not his officers should do thus: but that if laymen to defraud him, did conceal their goods in such places, then the privilege should not avail: for so the king is wronged." On Saturday following the lords petitioned, that magna charta might in all points be observed so as such persons, who are neither appealed, nor indicted, nor presented at the suit of any, and yet have their goods, lands, or possessions taken away, may be restored thereto again. "In answer to this the king granted for him and his heirs for ever, that if any person commit any act contrary to the form of magna charta, or any other good law, he shall be liable to answer it in parl. or else where he ought by law." The following are the Petitions of the Commons, with their respective Answers:—

"Commons. That the chancellor and other officers of state, there named in the records, may upon their entrance into the said offices be sworn to observe the laws of the land and magna charta. King. The king willeth the same.—C. That every man, for debts due to the king's ancestors, may have therefore charters of pardon, of course out of the chancery. K. The king granteth.—C. That certain by commission may hear the accounts of those who have received wools, monies, or other aid for the king, and that the same may be enrolled in the chancery. K. It pleaseth the king, so as the treasurer and lord chief baron may be joined in the commission.—C. That the ordinance made at Northampton, 'that men of evil life and conversation should be attached,' may be repealed: because on pretence thereof many honest men have been arrested. K. The king doth revoke it.—C. That many commissions, whereby sundry men have been fined outrageously by the commissioners, may be revoked, and new ones granted to others. K. The king is pleased, that the same shall be done in the presence of him, of the lords, and certain of the commons.—C. That the chancellor and all other officers, there named, may be chosen in open parl. they at the same time to be openly sworn to observe the laws aforesaid. K. The king yieldeth only thus much, that if any such office, by the death or other failure of the incumbent become void, the choice to remain solely in the king; he taking therein the assent of his council: but that every such officer shall be sworn at the next parl. according to the petition; and that every parl. following, the king shall resume into his hands all such offices; so as the said officers shall be left liable to answer all objections. Hereupon at the request of the whole 3 estates made unto the king, these articles were declared Statutes, as on the back of the roll doth appear: which, with the conditions, were afterward read before the king, his officers being present, all which officers were sworn on the cross of Canterbury to perform the same; only the chancellor, treasurer, and certain of the justices refused the said oath, as being repugnant to their former oath and the laws of the realm. However for that time the statutes and conditions aforesaid, together with the commissions to enquire after oppressions, were exemplified under the great seal, and delivered to the lords and commons."

This extraordinary concession from the crown being thus ratified and passed into a Statute, the king soon after sought to revoke, by a method more extraordinary than the grant; and which was a stretch of the royal prerogative greater than we have yet met with, since the three estates of the realm were established. For, shortly after, the king, by advice of his council, only, and without any parl., did abrogate what he before was, as he says, forced into, and had suffered to pass into a law. This was done by special writs, directed to all the peers, and to all the sheriffs in England, commanding the latter to proclaim it throughout their several divisions. The writ to the sheriff of Lincolnshire is still extant in the Public Acts, and in the Statutes at Large. The whole writ is translated by Barnes, for the rarity of it, as he says; but dr. Brady has given us a translation of another, directed to the abp. of Can-

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terbury, which we think is somewhat more curious than the former. It is as follows:

"The king to the venerable father in Christ, John abp. of Canterbury, primate of all England, greeting;—"Whereas some time since in our parl. at Westm. assembled in the quindene of Easter last past, there were certain petitions made, expressly contrary to the laws and customs of England, and not only very prejudicial, but reproachful also to our royal dignity; which, if we had not permitted to have been drawn into a statute, the said parl. had been without success, and dissolved in discord, and so our wars with France and Scotland, which we principally undertook by your advice, had very likely been (which God forbid) in ruin: and we, to avoid such dangers, permitting protestations of revoking those things, when we could conveniently, that had so been extorted from us against our will, yet permitted them to be sealed with our seal at that time: and afterward by the advice and assent of the earls, barons, and other wise men, for lawful causes, because our consent was wanting" [or as it is in the revocation, directed to the sheriff of Lincoln, 'Because we never consented to the making of the statute; but as then it behoved us, we dissembled in the premisses, &c.'] "we have declared it null, and that it ought not to have the name and force of a statute. And we understand, you have commanded a provincial council to meet at London, on the morrow of st. Luke next coming; in which you intend to excite the bps. of your province against us, and to ordain and declare some things prejudicial to us, about confirming the said pretended statute, and for the enervation, depression, and diminution of our royal jurisdiction, rights and prerogatives, for the preservation whereof we are bound by oath; also concerning the process depending between us and you for certain matters charged upon you by us; and that you intend to promulge grievous censures concerning these things: we willing to prevent so great mischief, do strictly forbid, that in that council you dare to propound, or any ways attempt, or cause to be attempted any thing in derogation, or diminution of our royal dignity, power, or rights of the crown, or of the laws and customs of our kingdom, or in prejudice of the process aforesaid, or in confirmation of the pretended statute, or otherwise in contumely of our name and honour, or to the grievance or disadvantage of our counsellors or servants; know ye, that if ye do these things, we will prosecute you, as our enemy and violator of our rights, with as much severity as lawfully we may. Witness the king at Westm. the 1st day of Oct."

On the 23d of April 1343, Edw. summoned a parl. to meet at Westm. The causes for so doing expressed in the writ itself, 'being to treat and advise with his great men what was best to be done in his present affairs; particularly, concerning the truce lately made with his enemy of France, and about the good govt. and safety of his realm and people.' The parl. being met, the lord chanc. sent for sir Barth. Burghersh to come into the house; who, having been with the king at the making of the late truce, was to declare what he knew concerning it. Whereupon the knight spoke to this purport, 'That after the king had begun the war with France, by assent of the prelates, great men, and commons, to obtain his rights and inheritance there, he had divers times passed the sea with his army, and after his last going over, had taken several towns, castles, and forts in Bretagne; but that whilst he lay at the siege of Vannes, he was desired by the pope, for the honour of God and holy church, to accept of the mediation of two cardinals whom he should send to him, to mediate a truce, until a peace could be treated of: and then concluded, that the king, perceiving the truce to be honourable, and advantageous to him and his allies, assented to it: that, during the continuance thereof, a treaty of peace might be had, before the pope, as a mediator and friend, but not as a judge; which peace, if good and honourable, the king would accept of; if not, he would pursue his quarrel. And sir Barth. further said, that because the war was begun by the common advice of the prelates, great men, and commons, the king would not treat of, or make peace without the like assent.' Wherefore the prelates and great men were charged to assemble on the 1st of May, to treat, advise, and agree among themselves, whether the king ought to send any envoys to the court of Rome, to propound his right before the pope, or not? and in the same manner, the knights of counties, and commons, were charged to assemble in the Painted Chamber, to treat, and advise in like manner, and to report their answer and agreement, in full parl. at the same time. On the day appointed, the prelates and great men answered, their advice was, "That the truce was honourable, and advantageous to the king and all his friends; and that every christian ought to wish, that the war, which was so great and hurtful to all christians, might soon end in a peace: wherefore they agreed to the truce; and that the king should send messengers to Rome, to lay before the pope, as a mediator and friend, (but not as a judge) his rights and demands, in order to a treaty of peace, according to the form of the truce. And then the knights of counties came in, and the commons, and answered by sir Wm. Trussel, in the white chamber, who in the presence of the king, prelates, and great men, proposed on behalf of the knights and commons, that they were fully agreed, the truce should be kept, to the end a good and hon. peace might be made: and further, the said commons prayed the king, to send express envoys, or messengers, to treat of peace, as abovesaid; and in case he could have an hon. and advantageous peace for himself and his friends, that he would accept of it; but if not, the said commons declared, that they would aid and assist him, and maintain his quarrel with all their power."

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In this parl. the king created his eldest son prince of Wales, investing him with a coronet, a gold ring and a silver rod. He also gave him several more lands and revenues than he enjoyed before, the better to support this new dignity.—It was here also enacted, that the Statute made at Westm. the 15th of this king, and which the king had soon after revoked, as has been mentioned, should accordingly be utterly repealed and lose the name of a statute, as contrary to the laws of the king's prerogative. But, since the articles there made were thought reasonable, it was enacted that such articles, with some others agreed on in this parl. should, by the advice of the judges, be made into a statute.

"In this parl. (says Joshua Barnes) it is recorded, that the commons of England made great complaint of the provisions and reservations coming from the court of Rome: whereby the pope took up beforehand the future vacancies of ecclesiastical dignities for aliens, and such as had nothing to do within this realm. They remonstrated to the king the manifold inconveniences ensuing thereby; as the decay of hospitality, the transporting of the treasure of the realm to the maintenance of the king's mortal enemies; the discovering of the secrets of the kingdom, and the utter discouraging, disabling, and impoverishing of scholars, natives of the land. Among other instances, they also shewed how the pope had secretly granted unto two new cardinals sundry livings within the realm of England, and particularly to the cardinal of Perigort above 10,000 marks, yearly collections. Whereupon they humbly require the king and his lords to find a remedy for these intolerable encroachments; for that they neither could nor would any longer bear these heavy oppressions; or else they desired, that his maj. and the lords would help them forcibly to expel the papal power out of the realm. The king in consideration of the premises, willeth, that the lords and commons among themselves, consult of the most decent and fitting way, promising his consent to any reasonable remedy. Hereupon the king, lords, and commons presently sent for an act made at Carlisle in the 35th of Edw. I. upon the like complaint; which utterly forbad to bring, or attempt to bring any thing into his realm, which should tend to the diminution of the king's prerogative, or the prejudice of his lords and commons. And so at this time the famous Act of Provision was made, prohibiting the bringing in of any Bull, or the like trinkets from the court of Rome, or the using, allowing, or enjoying of any such bull, process, or any other instrument obtained from thence, as there at large doth appear. This act, however, as one observes, could not be agreed to by the bps. and the rest of the clergy, but they rather seemed resolved to protest against it, till the king peremptorily commanded them to surcease such presumption. However the lords temporal only, and the commons by themselves, wrote a letter to his holiness, the purport whereof followeth, from the original French."

"To the most holy father in God, the lord Clement, by Divine Providence, of the holy Roman and catholic church the chief bp.; his humble and devout children the princes, dukes, earls, barons, knights, citizens, burgesses, and all the commonalty of the realm of England, assembled in parl. at Westm. devoutly kiss his holy feet:—The pious discretion, prudence, and equity, which seem, and ought, indeed, to be in you, most holy father, who are so holy and so high a prelate, head of the holy church, by whom the catholic church and people of God should, as by the sun-beams be enlightened, do give us good hope, that the just petitions hereunder by us declared, to the honour of Jesus Christ, of his holy church and of your holiness also, shall be of you graciously considered, and that all errors and injustice shall be quite removed; instead whereof fruitful amendment and necessary remedies, through the grace of the holy spirit, which you in so eminent a degree have received, may be by you graciously ordained and applied. Wherefore, most holy father, after great deliberation, we all with one assent come unto your holiness, shewing and declaring, that the most noble kings of England, progenitors to his maj. that now is, as also our ancestors and ourselves too, according to the grace of the holy ghost to them and to us given, every one of his own devotion have established, founded, and endowed within the realm of England, cathedrals and other churches, colleges, abbeys, priories, and divers other religious houses: and to the prelates and governors of the same have given and granted lands, possessions, patrimonies, franchises, advowsons, and patronages of dignities, revenues, offices, churches, with many and divers other advantages and emoluments: whereby the service of God and the faith of Christ might be honoured and had in reverence; hospitals and alms-houses, with all other edifices, churches, and colleges, might be honestly kept and maintained, and devout prayers in the same places made for the souls of the founders; and the poor also of the several parishes conveniently aided and nourished: of all which such only were to have the cure, who were able to take confessions, and were otherwise meet in their own mother tongue of England effectually to teach and inform their flock. And forasmuch, most holy father, as you cannot well attain the knowledge of divers such errors and abuses, as are crept in among us; nor yet be able to understand the conditions and customs of places, being yourself so far distant, unless your holiness be of others duly informed and instructed: we therefore having full and perfect notice and intelligence of all the errors and abuses of the said places within the said realm, have thought fit to signify the same unto your holiness, namely, that divers reservations, provisions, and collations by your apostolic predecessors of the church of Rome, and by you also in your time, most holy

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father, have been granted, and now more illegally than heretofore, unto divers persons, as well strangers and of other nations, as unto some who are our professed enemies, and who have little or no understanding at all of our language, and of the conditions and customs of those of whom they have the government and cure: whereby a great number of souls are in peril, many of the parishioners in danger, the service of God neglected, the alms and devotion of all men diminished, the hospitals brought to decay, the churches with their appurtenances ruined and dilapidated; charity waxeth cold, the good and honest natives of our own country unadvanced, the charge and cure of souls unregarded, the pious zeal of the people restrained, many poor scholars of our own unpreferred, and the treasure of the realm exported, against the mind and intention of the founders. All which errors, abuses, and slanders, most holy father, we neither can nor ought any longer to suffer or endure: wherefore we most humbly require your holiness, that the slanders, abuses, and errors, which we have declared unto you, may of your own great prudence be thoroughly considered; and that it may please you, that such reservations, provisions, and collations may be utterly repealed; that the same from henceforth be no more used among us; and that such order and remedy be forthwith taken therein, that the said benefices, edifices, offices and rights, with their appurtenances, may by our countrymen to the honour of God be supplied, occupied and governed. And that it may further please your holiness, by your letters to signify unto us without delay, or further protracting of time, what your pleasure is touching this lawful request and demand; that we may diligently do our duty herein for the remedy, correction, and amendment of the enormities above specified. In witness whereof unto these letters patents we have set our hands and seals. Given in full parl. at Westm. the 18th of May, 1343."

Mr. Barnes proceeds and tells us what reception this extraordinary letter met with from the pope, which was delivered to him by sir John Shoreditch, sent on purpose to Avignon. He gives us also the answer the holy father returned to king Edw. about it; as, also, the king's reply to the pope; which last, that author calls "a most famous epistle, in defence of the church of England, against papal encroachments; which was of such force, that neither the pope nor his cardinals, could tell how to answer, and they were obliged to comply with the terms of it for that time."

On the 7th of June, 1344, the king called a parl. to meet at Westm. The next day after their meeting, the names of the lords were read over and examined before the king in parl. to see who appeared and who failed, and the names of such as did not come were given to the king in writing. On the Thursday after, the lord chan. in full parl. the king and the young prince of Wales being present, declared the cause of this summons to be, 'concerning the late truce with France, and the breach of it by the French king, of which he gave 7 particular instances. He desired the 3 estates of the realm to consider of those things, and that they would give him such advice and assistance as was necessary for the saving of his and their own rights and honours.' The whole assembly prayed that they might have time to deliberate of these matters till the Monday next; and upon another petition they were again respited to the Wednesday following. On that day a select committee of the whole body, consisting of the abp. and 10 bps. 5 abbots, 2 priors, 8 earls, and 6 barons, being all named in the record, with the commons of the realm, waited on the king in the white chamber at Westm. and declared in his presence, 'that having regard to the great mischiefs and dangers that might affect his maj. and all his subjects and allies, if the malice of his adversary was not stopped; and considering the heavy charges which the lords and commons of England had been at, and suffered, by reason of the war continuing so long, by false truces of sufferances; and seeing that an end of the war, or an honourable peace, was not to be obtained without great power and force, they therefore pray the king, with one accord, and every particular peer by himself, that he would make a speedy end of this war, either by battle, or a proper peace, if such might be had. And that when the king should be ready to cross the seas, to take what God should allot him, upon the issue of this affair, he should not for the letters or command of the pope, or any other, lay aside his voyage, until he had made an end one way or another.' To all which prayer the king readily assented. But the parl. rightly judging that this could not be brought about without a large and sufficient aid, the whole body of the clergy, for the province of Canterbury, by their prelates and proctors, taxed themselves in a triennial 10th. The commons granted the king, for the same cause, two 15th's of the commonalty of the land, and two 10th's of the cities and boroughs. Soon after the commons gave another 15th. The lay-lords granted to pass over seas, and adventure themselves with the king, and are therefore not found upon the rolls as taxed.

It was nearly two years, from the date of the last meeting, before we find another parl. all which time was taken up by battles, sieges, and other martial exploits, performed by this warlike king, in person, or his generals, during the course of these French wars, with various success. In the spring of 1346, Edw. being informed that the duke of Normandy had invaded Guienne, and driven the earl of Lancaster, his lieut. in those parts, to great distress; he resolved to go over in person to relieve him, and save his territories on that side from utter ruin. But before he embarked the king thought necessary to settle and reform what was amiss in his own kingdom. To that end he called, says Barnes, his high court of

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parl. to meet at Westm. in the Lent season this year. It was here however, that the king by their advice thought fit to take into his own hands all the profits, revenues and emoluments, which the cardinals of the French faction and other foreign clergymen held within the realm. Here, also, it was ordained, 'that all the king's justices, throughout his dominions, should renounce and utterly forbear taking any pensions, fees, or any sort of gratuities, which before they used to receive, as well from lords temporal and spiritual as others, that so their hands being free from corruption, justice might be more impartially and uprightly administered.' Some complaints having been made to the king and parl. against the purveyors of victuals for his houshold, who, under colour of their commissions, had abused the same, taking up without ready-money all manner of provisions, or ever paying for them; he caused a strict enquiry to be made of this matter, and some of the most notorious offenders were hanged, and others condemned to pay great fines; whereby that grievance was redressed, and the rest of the king's officers were made, at least, more wary, if not more honest, for the future. See Hollingshead's Chron. from Adam Myrimuth, p. 369.

Having provided thus for the settlement of justice during his absence, and left the regency to his 2nd son prince Lionel, appointing the abp. of Canterbury and others of his council to assist him, he took leave of his queen, and, accompanied by his son the prince of Wales, together with most of the chief earls and barons of England, besides many knights and gentlemen, who were bound by their tenures to attend him, went to Southampton; where mustering up all his officers, he made a short speech to them, which was afterwards communicated to the whole army, to this purport, 'he set forth his title to the crown of France, and the justice of his arms, desiring them upon their landing to behave themselves like men; and that since he resolved to send back his fleet as soon as he arrived in France, if any man's heart failed him, he might stay in England.' To which they all answered with one consent, 'that they were all ready to follow him, even to death itself.'

During the absence of Edw. a parl. was called to meet at Westm. on the third day of the new year, 1347. It was opened with the usual formalities at that time. A time was appointed for all such as had any petitions to exhibit; the receivers also, and tryers were constituted to consider the contents of them, referring to England, Ireland, Wales, Scotland, Gascoigny and other foreign countries and islands. Sir Thos. Drayton was appointed clerk to this parl.; but, because several of the lords and commons were not yet come up, they adjourned to the day following. At which time the house being further informed that sir Barth. Burghersh, sir John Darcy, lord chamberlain, Mr. J. Thoresby and Mr. John Charleton, were arrived, as messengers from the king then lying before Calais, and since they could not be ready to make their appearance before the Wednesday next, the house adjourned again to that day. The day being come, a declaration was made in open parl. that the reasons of their present meeting, were, 'because the king, since his passing the sea, and his attempts in France, was now uncertain of his condition; and that according to the issue or exigence of affairs abroad, matters might be concerted at home, for the safety of his maj. and the common peace and wealth of his kingdom; which last was visibly damnified by the sufferance of false money to go current in it.' Then was produced the king's letters patents, as credentials, in which the aforesaid declaration was, verbatim, expressed, dated at the siege of Calais; which being read in open parl. sir Barth. Burghersh, for, and in the name of himself and the rest of his colleagues, in the presence of the regent and the three estates of the kingdom, declared the good success of the king since his arrival at La Hogue in Normandy, as in surprising and taking many towns and castles of war, as well at Caen, as elsewhere, and also of the great victory obtained at Cressy, where the whole power of France was discomfited; and how the king was now come before Calais, from whence he intended not to depart, till, by the help of God, he had won the same; after which he intended to pursue the enemy without return, till the war should be fully ended. This done, he produced the copy of an order, made by the k. of France, in reference to his son the duke of Normandy, and others, nobles of that country; which was particularly recited, being called the Ordinance of Normandy, and was to this effect; 'that the duke of Normandy should pass as chief, with other nobles of that province, into England, with 40,000 men of arms, knights, esquires, and persons of good estate, and 40,000 footmen, methods being there prescribed for keeping the sea; and an order also added, that the said duke should remain in England with the said forces, for the space of ten weeks. And in case the realm of England should in this expedition be conquered, that then the conquest should solely be to the name, honour, and advantage of the said duke, and all whatsoever the k. of England at that time had there, should remain entirely to the said duke, and the knights and lords with him. That all that which belonged to the nobles, and secular persons of England, should be bestowed on the churches, and famous towns in Normandy, only of the revenues of the church of England, the French king shall receive yearly 20,000l. st. saving the rights of his holiness. And that hereupon surrender be made unto the Scots, of whatsoever hath at any time been taken from them, and annexed unto the crown of England."—This being read, the said messengers required to know, what aid they thought fit to grant the king, towards the furtherance of his enter-

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prises, and the defence of the realm: in answer to which, the commons, having desired respite for their answer, till the Thursday next ensuing, declared on the said Thursday, by a shedule at large, the sundry, particular, former aids, the imposition of 40s. custom of wool, extorted of them against law, besides the arraying of men, and common taking of purveyors: notwithstanding which, they freely granted the king two 15ths in two years, so as that, if within two years the wars should cease, then the latter 15th to cease also.

After this follow the Petitions of the Commons with their Answers, made by prince Lionel, by commission from the king, in the king's name in manner following, viz.—Pet. That all acts of parl. not repealed, may be fully and entirely observed; so as there pass forth no commissions of array. Ans. The first point the king grants; of the rest he will be advised. —Pet. That such as were fined for not arraying of men, may be discharged. Ans. The king will take advice.—Pet. That all within 6 miles of the sea may have a supersedeas for arraying of men. Ans. Only such as keep the sea-coasts shall have a supersedeas. It is enacted, that the coinage in all places shall be open, as heretofore; item, that those who import false money into the realm, shall forfeit life and limb, and that the justice of assize, and of the peace, shall enquire thereafter.— Pet. That the king's receivers may receive as well gold, as silver, and that the changes thereof be not without parl. Ans. The first is granted; the other respited.—Pet. That the 40s. subsidy of every sack of wool may cease. Ans. The king's mind must be known first.—Pet. That payment may be made for the last taking up of victuals. Ans. Order shall be taken for that.—Pet. That the chief of every county may be justices of peace, and that they may determine all felonies. Ans. The 1st is granted: for the 2nd the king will appoint justices learned in the laws.—Pet. That the keeping of the sea be at the king's charge thenceforward. Ans. The sea shall be kept, as it hath been heretofore.—Pet. That sheriffs in every county may have sufficient in their counties; and that none of those offices be granted for life, or in fee: item, that purveyors, who have not the constables with them, according to the statute of Westm. may be looked on as thieves; and that justices of assize, and of the peace, may enquire of the same. Ans. The statute made shall be observed.—Pet. That the 15ths in towns, and ancient demesnes be levied, as in the bodies of counties, without encrease. Ans. They shall be levied after the accustomed manner.—Pet. That all justices of the inquest may be sworn, as justices of the bench; and that the chief of them may have power to swear the rest. Answ. Such justices shall be sworn, as ought to be; so as they take nothing, but meat and drink, and that of small value: and the chief shall be inpowered to swear the rest.—Pet. That the 15ths beyond the Trent be employed only for defence of the North. Ans. The king will provide for defence of those parts.—Pet. That strangers, enemies of the realm, who remain now in Newgate, may be adjudged, during the parl. Ans. They shall remain there till further order.—Pet. That no charter of pardon be granted since the king's last expedition. Ans. Advice shall be taken. It is enacted, that Lombards, and other merchants, shall receive gold for their ware, without any compact, on pain of fine and imprisonment.— Pet. That all alien monks do avoid the realm by Michaelmas, and that their livings be disposed of to young English scholars: and that such aliens, enemies, as are advanced to livings (they being in their own countries, but shoemakers, taylors, or chamberlains of cardinals) may depart the realm before Michaelmas, and their livings be bestowed on poor English scholars. Ans. To these two petitions, this one answer was given: that the persons being spiritual were not to be tried by parl.; and that their livings being in the king's hands, were not without him to be disposed of.—Pet. That the king may take the profits of all other strangers' livings, as cardinals, and others, during their lives. Ans. The king doth take their profits, and the council have sent their petition to his majesty.—Pet. That no payment be made to any cardinals, living in France, to treat either of war or peace. Ans. This is granted, as reasonable.—Pet. That foreign provisors, or aliens buying provisions, do quit the realm by Michaelmas, on peril of being outlawed. Ans. The statute heretofore made shall be observed; and the king shall signify the same to the pope.—Pet. That the annual advancement of 2000 marks, granted out of the province of Canterbury, may be restrained, and that those, who sue for recovery thereof, may be outlawed. Ans. The lords think the same reasonable; and it is further commanded, that no such be from henceforth received. It is enacted, that whosoever shall bring into the realm any aliens, the vessel wherein they are brought shall be forfeited to the king, and the body of the bringer shall lie at the king's discretion. It is enacted, that during the wars no person do send or transport any money to the pope, or to any bp. or other alien whatsoever, for any duty whatsoever.—Pet. That no Englishman do farm any thing of any alien religious, nor buy any of their goods, nor be of their counsel, or pain of perpetual imprisonment. Ans. This is against the king's profit, who reaps benefit by such farmers.—Pet. That all friars, aliens, should depart the realm, never to return hither again. Ans. Order shall be taken with every general of all the houses of friars, so to look to all friars, aliens, under their several charges, as that they shall not be able to disclose the secrets of the realm.—Pet. That the annual pension of 7s. which sir Raimond Peligrue received of every religious house within the realm, may henceforward cease. Ans. The said sir R. is the king's liegeman, born in Gascoigne, and sworn of the king's council, by whose command he receiveth the same.—Pet.



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That the annual pension of 2000l. paid to the abbot of Clugny, may cease for ever. Ans. The same is paid there.—Pet. That the statute made, that the king should present unto any church of his gift, falling void, at any time within 3 years; so as if the parson had continued therein for 3 years, that he should not be turned out, may stand. Ans. The king will be advised.—It is enacted, that no person bring into the realm to any bp. or other, any bull, or other letters from the court of Rome, or from any alien; unless he first shew the same to the ld. chancellor or to the warden, of the cinque ports, on loss of all that he hath. It is enacted, that all religious persons, for lands purchased since the 20th of Edw. III. and paying no demesne therefore amongst the clergy, shall pay 15ths.

After this, Mr. John Charleton, one of the messengers aforesaid, produced letters from the bp. of Durham, from the earls of Northampton, Arundele, Warwick, Oxford, and Suffolk, and from sir Hugh le Despenser, lord of Glamorgan, directed to the whole parl. purporting, that whereas the king at his arrival at La Hogue st. Vast in Normandy, had knighted his eldest son, the prince of Wales, whereby he ought to have an aid of the realm, viz. 40s. of every knight's fee, they would now consider thereof: hereupon the parl. agreed thereto immediately, and took order for the speedy levying the same. The letter which Barnes mentions to have come from the lords about the person of the king at Calais, to desire the parl. to grant him the aid for the knighthood of his eldest son, will be found in Rymer, p. 527. It was also ordered in full parl. at the request of the commons, that the benefices of all aliens be seized into the king's hands, and he to take the profit of the same; and that in order thereto, all bps. should, before the next convocation, certify into the chancery the names of all aliens, their benefices, and the value thereof: also, that no alien do send letters out of the realm, that shall not be first perused by the ld. chan. or the warden of the cinque-ports, on pain of losing all he hath.

Shortly after the king's return to England, he issued out writs, dated Nov. 13, 1348, for a parl. to meet on the 14th of Jan. at Westm. Sir Wm. Thorp, lord chief justice, by the king's command, opened the cause of the summons, in his presence; and in full parl. declared that it was on two accounts: '1st. concerning the war with the consent of the parl. next, how the peace of the nation might be better kept.' The lords and commons debated earnestly on these matters for some time; when on the 4th day the commons declared, 'that they were not able to advise any thing concerning the war, and therefore desired to be excused as to that point; and that the king will be advised by his nobles and council, and what shall be by them determined, they would consent unto, confirm, and establish.' For the second, they answered, that whereas they were charged to advise the king how the peace of the land might be better kept;' their advice was that in every county there should be 6 persons, of whom 2 to be the greatest men in it, 2 knights, and 2 men of the law, or more or less as need shall be, and they to have power and commission out of the chancery, to hear and determine matters concerning the peace. And then because they had been so long in parl. to their great cost and damage, they might have a speedy answer to their petitions, in order to get soon back to their own homes.

It is probable the king received not the satisfaction he desired from this parl. for on the 17th of March he called another. Sir Wm. Thorp declared the cause of it to be, 'that the king had, according to the truce agreed to at Calais, sent commissioners to the pope, from whom he had long since expected some satisfactory answer, but as yet had received none. Also, that sundry articles of the truce, touching both the kings and their allies, were not duly performed; and further, that the French were preparing a puissant army, wherewith to invade the realm. From all which it appeared that the truce was but fickle, and that it was neither safe nor prudent to rely upon it, but rather to be armed betimes against the worst that might happen; that this war which was undertaken by the advice and consent of parl. might have a prosperous ending, and be carried on with the least charge to his people. He added, that the conservation of the public peace at home was another main point for their considerations, and that this must be done by wholesome laws duly and impartially administered.'

Debates arose again amongst them, and continued for some days; when, at last, the commons agreed upon the following

*Petition, or Representation, to the King on the present State of the Nation:*

"To their most hon. and most redoubted liege lord, his poor commons shew, that at his last parl. he sent the noble earls of Lancaster and Northampton, and other great men, to tell them, that he intended not to take any thing more of them, or to charge them farther; which they had published to the whole land, for which they had also thanked him, according to their knowledge, as much as they could, and prayed for him night and day: and yet at this present parl. upon certain news now arrived, he demanded a very great charge of his poor commons. Wherefore they desire his nobleness and most high ldp. would be pleased to understand the mischiefs and burdens of the commons; that is to say, the reasonable aid which had been pardoned in his 14th year, that is, a grant was then made it should not be paid all his reign; to wit, 40s. upon every knight's fee, to make his eldest son knight; whereas by statute there was but 20s. due upon every fee; besides the 15ths of the commons, and 10ths of cities and boroughs; men at arms, hobelors, archers taking of victuals without paying for them; guarding the sea; and also the sub-

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sidy of wool, by reason whereof every sort of wool, that was the treasure of the land, was sold for 40s. less than its value. And as it would be a great trouble to the commons to bear any charge, that therefore, if the aid now to be granted might not be turned into wool, neither by way of loan or value, nor in any other manner, nor levied too hastily, but in the form it was wont to be granted; and that the eyres of justices in the mean time might cease, as well of the forest as of the common pleas, and general enquiry in the whole land. That when this aid should be levied, that then for the future no subsidy upon wool may be granted by the merchants; and that no imposition, loan, or other taillage, shall be put upon them (the commons) by the privy council, without their grant and consent in parl.; and that 2 prelates, 2 lords, and 2 justices might be assigned to hear and dispatch their petitions, which were not answered in the last parl.; and that their petitions in this parl. might also be answered according to reason, and the answers to remain in force, without being changed or altered. That the justices do inquire of false money, which ruins the people. That David Bruce; Wm. Douglas, and other chief men of Scotland may in no manner be released, neither by ransom, nor upon their faith. That the king would restore the 20,000 sacks of wool taken of the commons by way of loan. That an aid to marry his daughter might not be taken in the mean time; and that there might be no marshalsea in England, except that of the king, or the guardian of England, when he was out of the kingdom.—Upon these conditions, and not otherwise, as also that they may be entered in the parl. roll, as matter of record, by which they might have remedy, if any thing should be done to the contrary in time to come; the said poor commonalty, to their very great mischief, grant to the king 3-15ths. to be levied in 3 years, to begin at Michaelmas next coming, so as every year 1-15th. may be levied, and no more, at 2 terms in the year, viz. st. Mich. and Easter, by even portions; and that this aid may be assigned and reserved only for the war, and not to pay debts; and if the war should cease, or a truce be made, then the 15th of the last year not to be levied. That of these conditions, and the manner of this grant, letters patent should be made, and sent into all counties, without paying any thing for them, wherein should be mentioned the great necessity the king was in after the last parl.; and in case the war should break out towards Scotland, the aid granted beyond Trent, should be employed for the defence of those parts, as it had been formerly."

Towards the latter end of 1350, the king having occasion for the advice of parl. issued out his writs of summons, dated Nov. 25, for one to meet on the 13th Jan. following. On which day being met, it was further adjourned to the 15th of Feb.; that none might plead for excuse they had not time enough given them to appear. Upon the day appointed the king's commission was read, authorizing pr. Lionel to hold a parl. during the king's absence. But being prorogued for some days, in the mean time the king returned. Being again assembled, Sir W. de Shareshal, the lord chief justice, in the presence of the king, lords and commons, declared, "that the cause of their summons was, first, because the king in the 22d of his reign had held a parl. which he was hindered from continuing; as, also, from calling another, by reason of the late dreadful plague, to this time. That the business of the wars now required their concurrence, because the peace was not punctually observed; and several domestic affairs wanted to be taken into consideration by them, particularly, that labourers refused to do their work at reasonable and usual rates: and lastly, because the treasure of the realm was exported." The cause of the meeting being thus opened, the king, by the said chief justice, commanded the commons to consider and advise what was best to be done to redress these evils. In obedience to which, and for the remedying the excessive wages of labourers, there was then enacted that remarkable statute de Servientibus, the 25th of this king; which, though now obsolete, will be found in the Statutes at Large. It was, also, enacted, that every man that purchased any provisions of abbies or priories, in the court of Rome, both he and his executors, which did sue and make executions of such provisions, should be out of the king's protection; and dealt with as enemies to the king and kingdom. This statute is called the 2d statute of provisors. See Hawkins's Statutes at Large, 25 Ed. III. p. 450, and Collier's Eccles. Hist. p. 554. The declaration of what offences shall be judged treason was now passed into an act; which has ever since been the great barrier betwixt the kings of England and their subjects.

On the 13th of Jan. 1352 the parl. met, but was adjourned for 5 days, on account of the absentees, when being all assembled, the parl. was opened by a speech from sir Wm. Shareshal the lord chief justice, declaring the occasion of the summons to be, for setting forth the king's title to the crown of France, telling them, "that Philip of Valois had usurped it all his life, and not only so, but moved war against him in Gascoigny and other places, seizing upon his rights and possessions, and doing all the mischiefs to him, both by sea and land, that was in his power, which they well knew, in subversion of him and his realm of England. That in former parlts. this matter had been propounded in behalf of the king; and their advice requested, what was best to be done; and that it had been declared, after good deliberation, they knew no other way to advise the king, than to procure allies to go against his adversary by main force, and to do this they had promised to aid him with body and goods. Whereupon the king made alliances with several foreign princes and powers, and by the help of the good people of England he made war upon him because he could

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not bring him to a reasonable peace. That the king and his adversary had often assented to truces; but his enemy, during those truces, imagining to deceive the king, broke them every way, continuing his malice against him and his friends. That now, after Philip's decease, John his son, continuing the same wrongs his father had maintained, possessed the kingdom of France; and contrary to the last truce, confirmed and sworn to by both, had broken it both in Gascoigny and Britany, and also upon the sea; and had, actually, sent to Scotland to renew the antient alliance made between them, wholly tending to the subversion and destruction of his people of England. Wherefore, the king much thanked his commons for the aids they have already given him, and for the good will he had always found in them; and prays them that they would take time to consult about this until the next day; and that *at sun-rise* in the morning they would come to the painted chamber in Westm. to deliberate, and to hear if the king would say any thing further to them; and to shew the king their grievances, if they had any, that relief might be given them at this meeting." He concluded his speech with charging the commons, in the king's name, to shorten their stay in town; and, for the quicker dispatch of business, that they would immediately make choice of 24 or 30 persons, out of their whole number, to be in the morning at the painted chamber, and the king would send a number of lords to them to confer about the business of the nation. After this declaration from the chief justice, and another from sir Barth. Burghersh, the king's chamberlain, to the same purpose; the commons chose a committee, as directed, who had several long conferences with the lords, as well to raise a necessary aid for the king, as to draw up petitions concerning the rights of their constituents. When all was ready, the commons in their whole body came before the king in full parl. and represented to him, "that the common people of the land was much impoverished by the late mortal pestilence, as well as by other burthens, taxes, tallages, and many other payments laid upon them; yet, notwithstanding all these damages, having a due regard to the national interest and defence, against the malice of their enemies, they delivered the king a Roll, containing both the aid which they had unanimously granted him, and their petitions concerning the commons of England, to which they prayed the king to give a good and speedy answer." The king granted their request, thanked them for the great aids given before, and for this now granted; and for the good will and kindness he had always found in his commons, as well in this as in former affairs. Then follows the grant of 3-10ths, and 3-15ths to the king, by the lords and the whole commons of the land, in order to supply his great necessities. This tax was to be raised as the last 10ths and 15ths were, within 3 years, upon the conditions following: "that all fines, profits, amerciaments and imposts, levied or to be levied, upon labourers, artificers, regrators, &c. who were for taking more wages, were to be paid towards raising the subsidy." But this statute, together with the answer to it, is now obsolete, "That hereafter no tax, taillage, aids or charges be demanded, or levied on the commons; and that all the reasonable petitions, prayed by the commons, may be granted, confirmed and sealed before the dissolution of this parl." To which the king's answer was, "that as to the tax and taillage, tis not the intention of the king, or the lords, that they should ever be charged without the consent of the commons; and as to granting their other reasonable petitions the king is pleased it should be done." The commons pray, also, "that the loans which were granted to the king by many of that body, may be released; and none compelled to make such loans for the future against his will, for that it was against reason and the franchise of the land; and that restitution might be given to those who had made the loans." The king's answer was, "that it should be done." Also, that whereas the king's justices, assigned to several counties, had judged many men that were arraigned before them as traitors, for divers causes not known to the commons to be treason; therefore it was desired that the king and his council, and the great and wise men of the land, would please to declare the points of treason." The answer was, "that a statute was made in the last parl. setting forth and declaring what crimes shall be treason for the future." This we shall have often occasion to mention in the sequel. It may not be amiss to add, that lord John Maltravers, who was thought to be one of the murderers of Edw. II. having some years before come in and submitted himself to the king's mercy, and lately received his pardon, now petitioned to have it confirmed in parl. which, in consideration of his late faithful service to the king in Flanders, was granted accordingly; and he was again restored to his honour and estate.

On or about Michaelmas, 1353, the king met his parl. again at Westm. which had been summoned by writ, dated July 15, before. The following is a

*List of the Earls and Barons summoned to this Parliament.*

| | |
|---|---|
| Edw. prince of Wales | Gilb. Unphreville earl of Angos |
| Henry d. of Lancaster | Rt. Ufford e. of Suffolk |
| Wm. Bohun earl of Northampton | Wm. Montague earl of Salisbury |
| Humph. Bohun earl of Hereford and Essex | Ralph Stafford earl of Stafford |
| Hugh Courtney earl of Devonshire | John lord Mowbray |
| Wm. Clinton earl of Huntington | Henry lord Piercy |
| Rich. Fitz-Alan earl of Arundel | Ralph lord Neville |
| Thos. Beauchamp earl of Warwick | Richard lord Talbot |
| | Robert lord Morley |
| | Walter lord Manny |
| | Wm. ld. Huntingfield |

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J. Vere earl of Oxford
Thomas lord Lucy
Pet. ld. Mauley the 5th
Reginald ld. Cobham
Reginald lord Grey
John lord Willoughby of Eresby.
Roger lord Chandos
John lord Charlton
William lord Zouch of Harringworth
John lord Bardolph
Wm. lord Deincourt
John lord Tibetot
John lord Fitz-Walter
Walt. l. Fauconbridge
Wm. lord Greystock
William lord Dacres
Thomas ld. Musgrave
Thomas ld. Bradestan
Jn. l. Grey of Rotherfield
[illegible] of Codonore
[illegible] D'Archy of [illegible]h
[illegible]. Mortimer of [illegible]ore
[illegible]ord Colvile

Thomas lord Berkeley
Bartholomew ld. Burghersh, senior
Guy lord Brian
Nicholas lord Seimour
Geoffrey lord Say
Michael lord Poynz
John lord Beauchamp of Somerset
John lord Beauchamp of Warwickshire
William lord Ferrers
John ld. Lisle of Rugemont
Nicholas ld. Cantilupe
John lord Furnival
Nicholas lord Burnel
Edward ld. Montague
Thomas lord Ughtred
Robert lord Scales
Henry lord Scroop
John lord Cobham
Thomas lord Braose
James lord Audley
Thomas lord Holland
Bartholomew ld. Burgoersh, jun. warden of the Cinque Ports

[illegible] not, however, till the 7th of Oct. that [illegible] sat to business; when being all assembled in the White Hall, or chamber, of [illegible]he lord chamberlain, Burghersh, delivered [illegible]e king's mind to them as follows, [illegible]e king, considering how he might best [illegible] people, that had been often charged [illegible]ositions and great aids, by reason of [illegible] with his adversary of France, who detained [illegible]s right of heritage to that crown from [illegible]d sent lately some of the most noble [illegible] his realm, viz. the abp. of Canterbury and the duke of Lancaster, with other prelates and noblemen, to Guisnes, to treat with his adversary, in presence of a cardinal whom the pope had sent thither as a mediator; and that after the treaty he had sent his confessor to the pope to acquaint him, that considering the many people that had been killed in this war, and desiring to spend the rest of his time in another more holy one, to the honour of God, if his adversary would make resitution of the duchy of Guyenne to him, as entirely as any of his ancestors had enjoyed it, to hold it freely without any homage or service, he was willing, when the war was ended, to resign his title to the crown of France. That the pope had moreover been desired to sound his French adversary's inclinations to a farther treaty; yet, with protestation, that if he should not accept it, all his rights should be entirely saved to him as if no such offer had been made. To which message the king not having received any answer from the pope, he had sent another by the archdeacon of Huntington, to know what had been done in this affair, who brought back nothing worth reporting. Wherefore, it seemed necessary to the king and the lords of his council, that he should prepare himself for the war against his adversary, as well for the defence of England, as to recover his rights, for which he ought to have a great sum of money granted to him." The said chamberlain shewed further, "that the late tax or subsidy on wool, leather and wool-fels, ending at Michaelmas last, it was not the king's intentions to lay any new tax or other charge upon his people, yet, he requested the parl. to grant him the said subsidy for some time longer." This request being considered by the three estates, they all unanimously agreed to grant the king this subsidy of wool, &c. to receive it, as before, from Michaelmas last for 3 years to come, if the war should continue so long; upon condition that the money arising from this subsidy, should be kept solely for the war, and not applied to any other use. There were, likewise, several excellent laws made in this parl. as, particularly, that of the Staple; whereby it was enacted that the great markets for wool, wool-fels, leather and lead, should be held in London, Wesm. York, Bristol, and divers other cities and towns therein mentioned; with several rules and restrictions for well regulating the same. There was, also, another statute enacted of Provisors against Appeals to Rome; together with some Petitions from the commons, and other matters, all which will be found in the Statutes at Large, or in Cotton's Abridgment of the records.

On the 15th of March, 1354, the king sent out his writs of summons to call a parl. to meet at Westminster on the 28th of April following. Being accordingly assembled, the aforesaid lord chief justice declared in the presence of the king, lords and commons in the Painted Chamber, "That the cause of this parl.'s being called was for three things: 1st. For establishing the Staple within the realm, and for confirmation of the Ordinances made last parl. about it. 2dly, How they might treat of a peace with France; for that by war the king saw his subjects greatly wasted. And 3dly, For receiving of petitions and redressing of grievances; all which without a parl. could not be effectually done."—A day or two after, the lord chamberlain informed them, "That there was great hopes of bringing about a peace between England and France, by means of certain commissioners appointed, on both parts, for that purpose; yet the king would not conclude any thing without the consent of his lords and commons. Wherefore he demanded of them, in the king's name, whether they would assent and agree to a peace, if it might be had by treaty." To which the commons answered with one accord, "That what should be agreeable to the king and his council in making of this treaty, would be so to them." But the commons being asked again, "If they consented to a perpetual peace if it might be had," they all unanimously cried out, yea, yea. Upon which dr. Mich. Northburg, keeper of the privy seal, commanded dr. John de Swineley, the pope's notary, to enter this in a public instru-

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ment, which was to be laid before the pope at Avignon.

In this parl. it was that the lord Roger Mortinner, grandson to the famous Roger Mortimer, who was attainted and executed 23 years before, was restored to blood, and the judgment against his said grandfather reversed, as being contrary to law. The like favour, also, R. Fitz-Alan, son to Edm. earl of Arundele, who had been attainted in the beginning of this reign, obtained on behalf of himself and his said father.

From Cotton's Abridgment of the Records, we have selected the following Petitions from the commons for redress of grievances, presented during this parliament.

*The Commons' Petitions, with the King's Answers thereto.*

C. That the surplusage of the fines of the Statute of Labourers may be entirely distributed among the poor of the whole county, and not to poor towns only. K. It shall be parted among the poor towns only.—C. That the writ of Estreat may lie in every action, where the party shall recover damages of Estreats after the writ purchased. K. The old law shall be continued.—C. That remedy may be had in such cases, where the king receiveth the profits of the ward's lands, as well of Soccage, as otherwise, where no part of the same is holden of him. K. The law heretofore used shall continue.—C. That it may be ordered, whether the tenants of such as hold by barony, and are summoned to parl. shall contribute to the payment of knights' fees coming to parl. K. As heretofore, so the same shall be.—C. That present pay be made of all purveyances, being under 20s. and of greater within 1-4th of a year, and that purveyance be made without malice. K. It is good to make payment according to the first point, and to redress the second.—C. That all sheriffs be charged to make present payment for all purveyances for Calais. K. The demand is reasonable.—C. That any one attainted upon a writ of Oyer and Terminer, may bring his attaint, pending his suit against the other. K. The lords will not alter the order of the law.—C. That the lords, marchers of Wales, do suffer no distresses to be made on any Englishman coming into Wales, for any other men's debts, if he be no debtor, trespasser, or surety. K. As heretofore, so the law shall be.—C. That no inquest upon conspiracy, confederacy, maintenance, or such like be returned, but by the sheriff, of the most lawful men, and nighest in that part of the country, where such acts are laid; that all evidences therein be given openly at the bar, and that no man speak with the jury after they depart therefrom. K. This last petition is agreed to.—C. That the king will appoint a time when the coin shall be made finer. (*a*) K. With opportunity the king meaneth the same.—C. That the king have the forfeitures of his widow's dowagers: but not of such as hold jointly with their husbands. K. The old law shall stand.—C. That the Writ of Appeal brought pending another may abate the other. K. The common law therein used shall continue.—C. That weights and measures may henceforth be made in the city of London, so as all counties do conform themselves according thereto. K. There is a Standard in the treasury, where every man readily may have the same.—C. That the writs of chancery may be at reasonable prices; and that the clerks of the crown, and others for commission and such like, do content themselves with the king's allowance. K. As heretofore the same shall be.—C. That fines for writs may be reasonably made in every of the king's courts. K. The chancellor shall do as heretofore.—C. The commons beyond the Trent require, that the justices of the one bench or of the other, may yearly come twice amongst them, for taking cognisance of fines and letters of attorney of the unable. K. The king will be advised.—C. That labourers may take corn for their wages. K. The statute made shall be observed.—C. That the Staple may al continue in England. K. The same sha continue till the next parl. not to be al without the assent of the parl.—C. The chants strangers require, that the Ordin of the Staple may be executed speedily. K king willeth the same.

Then the lord chamberlain Burghersh, and one of those who had been at the t of Calais the last year, declared to the w house, "That there was a treaty of peac tween the king and the French, and a hope of a final accord;" whereto in the name he demanded of the commons, wl they would agree. To which demand th swered, "That therein they wholly sub themselves to the order of the king a nobles."

(*a*) For the better understanding of this petition, it is necessary to observe, that, about 4 years before this, W. Edindon, bp. of Winchester, the lord treas. of England, had caused groats and half-groats to be coined to the people's great disadvantage; seeing that they wanted something of the just sterling weight. This occasioned the price of all things to be very much enhanced; whereupon at the commons complaint now in parl. the king promised to redress their grievance the first opportunity. Yet, however, many times after those days the like practice had been used, insomuch, that now 5s. scarcely contain so much silver as 5 groats had 3 or 400 years ago; so that it is no wonder, if things be sold at treble the price which they held at that time. For hereby also it comes to pass, that the prince and nobility cannot possibly maintain their estates with their ancient rents and revenues; because though they bring them in the old tale and number, yet they fall far short in the due weight and quantity of metal. Barnes's Edw. III. Hollingshead's Eng. Chron. p. 948. Also Godwin's Catal. of Bishops, p. 234.

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Before the king went over to France in 1355 he sent out his writs of summons for a parl. to meet on the 12th of Nov. following; about which time, Edw. being at Calais, heard of the loss of Berwick, and prepared himself not only to meet his parl. but to recover that town. However, it was not till the 25th of that month that he could get to Westm. to which time the parl. had been adjourned. Being at length all assembled, the lord chief justice Shareshall told them, that it was his maj.'s pleasure that sir Walter Manny should declare to them the present state of the king's affairs, being best able to do it, and he accordingly delivered himself to this effect:—"He first gave them an account of the late treaty before the pope, and how it had been broke off by the obstinacy of the French commissioners. That in order to conclude a peace he had sent the duke of Lancaster, with others, to the pope's court at Avignon; and that during his stay there the king of Navarre had complained to the said duke of sundry damages done to him by the French, and affirmed upon oath that he would willingly enter into a league with the English against them; and for assurance of the same engaged himself to meet his maj. at the island of Jersey with as great power as he could raise. That the king, upon the return of the said duke, and knowledge of the affair, with a great army and navy, set sail from the river Thames towards Jersey; but being beat back by contrary winds, he was driven with much hazard into Portsmouth, where he staid till he was credibly informed that the said king of Navarre had actually made his peace with the enemy of France. Upon hearing, also, that the French were marching a strong army towards Calais, the king went over thither, in hopes they would give him battle, accompanied with his own army, and joined there by the forces of his German allies. That on All-Soul's day last past the king marched towards the enemy and offered them battle, which the enemy took all possible ways to avoid; whereupon, the king wasted and spoiled the country, but finding his army to languish for want of provisions, was obliged to return back to Calais, where he paid off his mercenary troops, and came hither to meet his parl."—After this speech was ended, the lord chief justice addressed himself to the commons to this purpose:—He required them to weigh and consider well the king's unwearied constancy in labouring for their defence. That he was now ready, also, to repel the insolence of the Scots, who had surprised, in his absence, the town of Berwick, as he had been informed; he desired them therefore how he might be enabled not only to subdue entirely that stubborn people, but, also, how to attain an advantageous peace with France, which he much desired, to his own honour and their quiet and benefit."—He concluded with giving them time till Friday following to bring in their answer, and in the mean while to prepare their bills and petitions to be laid before the king in parliament.

On the day appointed, the commons came into the White Chamber, at Westm. and having had a short conference with the lords, in the king's presence, they unanimously granted the king the subsidy on leather, wool and wool-fels, for 6 years to come; provided that no other imposition or charge be laid upon them during that term. This tax was no less than 50s. on each sack of wool that should be exported; by which sole. grant the king was able to expend a 1000 marks a day on a just calculation, there being no less than 100,000 sacks yearly exported by the English merchants in those days.—See Hollingshead's Chron. p. 383.

*Petitions of the Commons with their Answers.*

Pet. That the Great Charter, and the Charter of the Forest in all points shall be kept: that the statute, that the staples shall always be kept within the realm, shall be observed: that the statute made for yearly removing sheriffs be observed: and that the statute made for purveyors be kept. Ans. The king willeth the same.—P. That whereas the commons have granted to the king 40s. of every knight's fee in aid to make his son a knight, the exchequer demandeth the same, as well of mesne lords, as of the tenants in demesne, against reason: wherefore they pray remedy. A. The right use of the exchequer is to be kept.—P. That no man's land, being bought in the time of Henry III. which was before the statute of Prerogative, may be seized into the king's hands by escheators A. Let this be more particularly declared to the king. —P. That the justices of the peace may determine weights and measures. A. The statute made shall be observed Such justices shall make no deputies, neither shall the sheriff, coroner, or such like, be a justice.—P. That the points of confederacy may be declared, considering how the judges judge rashly thereof. A. None shall be punished for confederacy, but where the statute speaketh expressly upon the point contained in the same statute. —P. That the justices of gaol-delivery, on an indictment of the coroner coming before them, may award the exigent. A. The old law shall stand.—P. That such persons of the far North countries, as upon appeals join issue on good or evil, may try the same by *Nisi Prius*; considering that the jury will not appear in the king's bench. A. The old law used shall be kept.—P. That remedy may be had against such, as to defraud their creditors before judgment, do convey away their lands and goods. A. The statute therefore made shall be observed.—P. That writs of attaints may be had of verdicts given in other courts.—The old law shall be observed.

When the parl. had thus dispatched the king's business and their own, they broke up, and the king marched immediately for Scotland, where he soon retook Berwick, and performed several other martial exploits in that kingdom. Whether it was stipulated by this last parl. that there should not be another

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called in such a time, or that the grant of the last subsidy, on wools, &c. for 6 years was sufficient for the national expence for that term, we know not; but we meet with no other parliament during that whole time.

On the 25th of Jan. 1361, Edw. met his parl. at Westm. Here the articles of peace, concluded between John k. of France and the king of England, were communicated to the whole assembly; and both lords and commons were highly satisfied with the king's conduct in the affair. These articles, 40 in number, are to be found in Brady, Tyrrel, and other historians.

The king called another parl. to meet at Westm. on the 13th of Oct. 1362, where all the peers were expressly commanded to appear in person, and not one proxy permitted. The causes of this assembly were declared by the lord chief justice, sir H. Green, to be "for the redress of matters relating to the church; for observation of the peace; for settling affairs with Scotland; and for enhancing the price of wool." All which were then very well ordered, as may be seen in the records and printed statutes of this year. The Staple of Wools was appointed, though not by express statute, yet with the consent of both houses, to be removed from London to Calais. For we find by the records, that when the lords were commanded to speak, "what they thought of the merchants removing to Calais?" they all agreed, "that it seemed to them to be a matter very profitable to the realm." The commons, indeed, demurred a little at the first, till they had consulted with some merchants about it, but, at last, they complied with the lords also. Whereupon, the king sent over 26 of the ablest and most considerable merchants in the kingdom, to hold the Staple there for 3 years. These merchants were, also, ordered to keep and defend the town, every man having a guard of 6 men at arms and 4 archers, at the king's charge. Besides the mayor of the town, the king by his charter constituted another, called the mayor of the Staple of Calais; the king being to receive 20s. and the aforesaid merchants, wardens of the town, 40d. more, as custom, on every sack of wool there bought.

In this parl. also was passed that remarkable statute, "that all pleadings and judgments in the courts of Westm. should be for the future in English," whereas before they were wont to be in the French language, ever since the time of the conqueror, It was, also, ordained, that all school-masters should teach their scholars to construe in English, and not in French, as they had hitherto used. Here also, it was enacted that neither gold nor silver should be used in apparel, knives, girdles, chains, rings, or other bodily ornaments, by any man who could not spend 10l. a year. And that none who could not spend 100l. a year, should presume to wear silks, furs, or other precious garments. On the last day of the parl's. sitting, the commons unanimously gave the king 26s. 8d. on every sack of wool, for 3 years; besides the former subsidy on wool-fels and skins. And now, business of that kind being concluded, the aforesaid sir Hy. Green declared to both houses, "that the king being then arrived at the 50th year of his age, intended to keep it as a jubilee; and to pass several acts of grace and mercy to his people. He therefore granted a general and special pardon for all crimes, treason itself not excepted, without any fine, or paying of fees for the seal; and set all debtors to the crown, and prisoners for criminal matters, at liberty." The king also confirmed Magna Charta; which was confirmed no less than 10 several times in this reign.

In 1363 the king issued out his writs of summons, dated June 10, for a parl. to meet at Westm. on the 6th of Oct. following; when, there not being a full attendance of members, the houses were adjourned to Friday following. At which time Simon Langham, bp. of Ely, and chancellor of England, declared before the lords the king's reasons for calling this parl. He said, "that the king was desirous to know the grievances of his subjects; and, particularly, that he might by their advice redress any wrongs that had been done to holy church; also, to reform all enormities, especially about the manner of exhibiting petitions in parl." Then the commons gave the king their most humble thanks for the great goodness he had shewed and confirmed unto them in the last parl. and humbly prayed "that the king would enjoin the abps. and all other of the clergy, that they would put up their joint prayers to Almighty God for the prosperity of his maj. in order to the peace and good govt. of the land, and for the continuance of his maj's. good affections towards his commons." This parl. continued by prorogations till the 3d of Nov. when the lord chanc. in presence of the king and both houses declared, "that the king was now resolved to execute the Statute of Apparel, and therefore charged them all to promote the same." He then demanded of both houses, "whether they would have such matters as they agreed on to be by way of Ordinance or of Statute?" They answered, "by way of Ordinance, that they might amend the same at their pleasure." In this parl. it was enacted, that poultry should be sold in the following manner; a young capon for 3d. an old one for 4d. a hen for 2d. a goose for 4d. For the Statute appointing Apparel, see Statutes at Large. A. 1363.

On the 4th of Dec. 1364, Edw. sent forth his summons for a parl. to meet him at Westm. on the 21st of Jan. following. On which day being met, they were by proclamation adjourned to the next morning in the painted chamber, there to hear the king's pleasure. At which time, bp. Langham, lord chanc. of England, began a long and formal harangue, taking for his text that of the royal prophet; 'Faithful judgment doth adorn the king's seat.' "From whence he took occasion to extol the

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great valour of the king his master, and the many victories which by God's assistance he had gained in his youth; not forgetting the constant and dutiful good will and ready concurrence of the king's loyal subjects, towards the furtherance of those his important undertakings. For all which, as the king did now by him, return them his hearty thanks, so he let them know that for his part he was resolved to seek the common peace and tranquillity of all his people: especially, by enforcing a due observance of all good and wholesome laws, and amending such of them as should be thought defective; as also by establishing new ones as necessity should require." They then proceeded to appoint receivers and tryers of petitions for England, Ireland, Wales, &c. as also for Aquitain, and other foreign countries. Which done, the king himself spoke to the whole assembly to this effect: "That citations and false suggestions were daily made to the pope, for matters determinable in his own courts of this realm; that provisions were procured from Rome for ecclesiastical dignities, at the great scandal of the antient laws, and the derogation of his crown. That the treasure of the land was by these means conveyed away, to the diminution of church livings, the withdrawing of divine service, alms, hospitality, with other good and acceptable works, and the daily increase of all mischiefs." Therefore he required them, "That whereas a former statute had been made; another act, to the same purpose, but more strict, should also be prepared against the pope's provisions of bishopricks, and other ecclesiastical dignities and benefices: and also against all those who have obtained or should obtain any such benefices, by virtue of such provisions; or should serve any process, or citations, to the court of Rome for that purpose." An act was made accordingly, and passed this session; which may be found in our printed statute books, agreeing with the record. The petitions of the commons, with the king's answer to them, come next in the proceedings of this parl. the most remarkable of which are these; "the commons pray, that 3s. 4d. laid upon every sack of wool at Calais, and all other unreasonable impositions, may cease." Answer: "the king willeth that unreasonable impositions may cease." It was also then agreed, that the Staple being removed from Calais, one should be held at Melcomb-Regis, and another at Ipswich; and that all merchants and others might ship wools at Lewes, for their ease, or in other places.

On the 30th of March 1366, Edw. held another parl. at Westm. at the opening of which, in the painted chamber, bp. Langham, ld. chanc. declared, in presence of the lords and commons, the reasons why this parl. was called, which in effect were these, "that since the king had sent his eldest son, the prince of Wales, to govern the country of Aquitain; as also, the duke of Clarence, his next son, to be his lieut. in Ireland; his chief care now was how he might govern his people at home in the best manner." After which both houses proceeded to nominate receivers and tryers of petitions as usual, and adjourned to the next day, when the chan. in the presence of the king, lords, and commons, spoke again and told them, "that he had the day before informed them in general, of the occasion of their meeting, and that now they should know it more particularly; the king having a matter of great importance to communicate to them. His maj. had lately received notice, that the pope, in consideration of the homage which John k. of England, had formerly paid to the see of Rome, and of the tribute by him granted to the said see, intended by process to cite his maj. to appear at his court, at Avignon, to answer for his defaults, in not performing what the said king, his predecessor, had so undertaken for him and his heirs, kings of England. Whereupon, the king required the advice of his parl, what course he had best take if any such process should come out against him." The bps. lords and commons, desired until the following day, to give in their answer; when, being again assembled, after full deliberation, they declared as follows, "that neither king John nor any other king could bring himself, his realm and people, under such subjection, without their assent; and if it was done, it was without consent of parl. and contrary to his coronation oath; that he was notoriously compelled to it by the necessity of his affairs and the inquity of the times; wherefore the said estates enacted, that in case the pope should attempt any thing by process, or any other way, to constrain the king and his subjects, to perform what he says he lays claim to, in this respect, they would resist and withstand him to the utmost of their power." This parl. continued to sit till the 11th of May, when the ld. chanc. notified to them, "The marriage of the princess Isabella to the lord Ingelram de Coucy, who had a large estate both in France and England, and that it would be for the king's honour to create him a peer of this realm:" which the lords finding convenient, readily agreed to. Whereupon the king, by his letters patent, created him earl of Bedford, with a grant of 1000 marks per ann. out of the exchequer, and 30 marks more out of the issues of the county of Bedford, to be paid by the sheriff of that county.

On the 24th of Feb. 1368, the king issued out his writs, for summoning a parl. to meet at Westm. the 1st of May following. When being met, dr. Langham, then abp. of Canterbury, was the king's prolocutor, and declared to the assembly, that it was his maj.'s pleasure that they should be adjourned for 3 days; and at the time appointed the said abp. opened the cause of their meeting to this effect, "That the king yielded unto God Almighty most hearty thanks for having given him the victory over all his enemies; as, also, for the peaceable and flourishing condition of his realm, and



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for the great loyalty of his subjects, and their constant readiness to serve him, both in body and goods; all which blessings he desired, as much as in him lay, to continue or rather to increase. And, that he might the better succeed in that resolution, he had at this time called his parl. to confer with them concerning matters relating to the premisses." Then the receivers and tryers of petitions were appointed, which took up all the rest of that day.—On the day following being assembled again in the Painted Chamber, the said abp. farther declared the substance of a treaty between the king's commissioners and David Bruce, king of Scotland, who had lately made this offer. "That he was willing to preserve a perpetual peace with England, provided he might quietly enjoy the kingdom of Scotland, free and discharged from all homage to that crown; since to hold it otherwise would be a constant reproach to him and his kingdom." Concerning which terms of peace the lords and commons, being asked their advice, gave in their answers, severally, to one and the same effect, "That they could not assent to any such peace, upon any account, without a disherison of the king, his heirs and crown, which they themselves were sworn to preserve, and therefore must advise him not to hearken to any such propositions." After which the abp. in the king's name, gave thanks to the estates in parl. "For their ready compliance in assisting the king's wants by aids and subsidies; and shewed them further how at that time the king stood in as great need as ever of a considerable supply to discharge his debts." Upon which the lords and commons granted the king, for 2 years, of every wool-pack 36s. 8d.; for every 12 score of fells, as much; and 13s. 4d. for every last of skins, over and above the old customs. Then certain new statutes were prepared for the royal assent, and some old ones were explained and confirmed, which may be seen in the printed statute-books under this year.

About this time another war with France seeming unavoidable, the French king having, by treaties and embassies, deluded Edw. till he had taken an opportunity to seize on the greater part of his dominions abroad, he called a parl. in order to lay this affair and the state of the nation before them. They were summoned to meet at Westm. May 27, 1369; at which time the king, prelates, dukes, earls, barons, knights, citizens and burgesses, assembled in the Painted Chamber, the celebrated Wm. of Wickham, bp. of Winchester, then ld. chanc. being prolocutor. This prelate told the assembly, "That the king, always, in his greatest affairs had used their advice and counsel; in which he ever found them truly loyal, and for which he thanked them. And that not being willing any thing should be unknown to them, he laid before them the peace, which by their advice he had concluded with his adversary of France, some time ago. The conditions of which were, that by such a day he should surrender up to him certain countries beyond seas; should pay unto him certain sums of money, at stated times; and that for the future he should never pretend to any jurisdiction or sovereignty over Gascoigny or its neighbouring parts. In consideration thereof, the English k. was to give up the stile and title of the k. of France for ever, which he had accordingly done. But his said adversary had not only failed to make delivery of the lands and countries agreed upon; had made no payments of the money; but had, also, summoned certain lords of that country, under his jurisdiction, and even the pr. of Wales himself, to appear before him, on a day prefixed, at Paris, to answer their appeals, which was contrary to the form and tenor of the peace. Besides all this, he had sent a great number of men at arms, and others, into Gascoigny; and there by force had taken towns, castles, and other places; killed some of the king's liege people; taken others and imprisoned them in hopes of great ransoms; the same he had also done in Ponthieu. That because of these doings, especially in the principality of Aquitain, against the form of the peace, the prince had sent special messengers to inform the king that he had called to him the wisest men of the said principality, and treated with, and propounded to them, whether, by reason of these things, his father might not by right retake upon him and use the name of k. of France." Who all answered and affirmed, "That the king might do it by right and good faith." Upon which point the abp. of Canterbury and the other prelates were charged by the king to treat and shew their best advice and counsel.—The prelates took 2 or 3 days to deliberate upon this knotty case of conscience: "Whether the king was released from his oath or not?" When the whole assembly being again met, the abp. and bps. with one accord, answered, "That the king, for the causes abovesaid, might justly re-assume and use the name of k. of France by right and good conscience." To which sentence, the dukes, earls, barons, knights and commons, unanimously agreed.

The parl. having thus agreed to renew the war, the next thing to be thought of was the sinews of it. Accordingly the king ordered, "the state of the nation to be laid before them; and because he should be at great charge to maintain his forces both by sea and land, which he could not support without their assistance; he requested them, therefore, to consult and advice how it might best be done with the least charge and damage to his people." On which, the lords, by themselves, and the commons, of one accord, granted to the king a subsidy on wools; that is 43s. 4d. on every sack, and on every 12 score of woolfells as much; on every last of leather 4 l. that should be exported, besides the ancient customs for 3 years, to commence at Michaelmas next. On strangers was laid, for every sack of wool 4 marks, and every 12 score of fells as much; and on every last of leather the

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same rate.—Some other matters were transacted in this parl. of less notice; as that all the king's forts, ports and fortresses should be surveyed, repaired and edified; that no religious aliens should be left in a capacity to discover the secrets of the realm, as well as all their possessions to be seized into the king's hands; that remedy may be had against the excessive price on armour, and against the unreasonable demands of dealers in horses. Lastly, the king on the 12th of June came to the house, and gave them thanks, from his own mouth, "For the great pains they had taken, and the aid they had given him; and, in some sort of recompence, promised to all those lords, and others, of whatsoever degree, estate, condition or nation they were, who would maintain his cause and quarrel against his enemies of France, that they should hold and enjoy, for ever, all they should there recover and conquer; whether duchies, earldoms, viscounties, cities, towns, castles or lordships, persons, names, arms and honours, to hold the said possessions of him, as k. of France, by the accustomed dues and services. Reserving only to himself and his heirs all demesnes, royalties, services, homages, dues, resorts and sovereignties, belonging to the crown of France; and excepting all church-lands, and the lands of all such, who, without force or difficulty would obey, adhere to, and remain in obedience to him; and of their own good-will, would assist him in his quarrel against his said adversary. Likewise, the king commanded that not only all the bps. should muster their own tenants and servants; but that all parsons, vicars, monks, fryars, and other religious persons of the clergy, should be in readiness, in case of an invasion, to resist the common enemy." After which he dissolved this parliament.

On the 8th of Jan. 1371, writs of summons were issued out for a parl. to meet on the 24th of Feb. that year. Being all assembled, in the Painted Chamber at Westm. the lord chan. Wickham opened the cause of the summons to be for this purpose, "that since by the assent of the last parl. the king did retake upon him the title of king of France, because his adversary had broke the peace, and claimed the superiority over Aquitain, which had formerly belonged to his father; he had for this and several other causes been at great expences, and sent some men of quality and others, to a mighty number, to conquer and recover his right. That the king had received news from his friends and allies that his adversary had made himself stronger than he had done before; and ordered so great an army to be brought together, that in all probability he would be able to get possession of all his lands and territories beyond seas, as well in Gascoigny, as at Calais, Guisnes, Ponthieu, and other places. Further, that his said adversary had such a fleet ready as seemed sufficient to destroy the whole English navy; and that he purposed to send over such a land-army into this kingdom, as might be equally able to conquer and subject it to his own power. Wherefore, the king earnestly desired the lords and commons to consult about these points; and advise him which way the kingdom might be safely guarded, the navy preserved from the malice of his enemies, his lands beyond sea kept, the war maintained, and the reduction of the French effected.

These high matters being thus laid before the parl. many Ways and Means were proposed for raising an aid, which were freely debated betwixt the lords and commons. At last, in consideration of the great costs and charges which the king had been at, and was to bear, for the reasons given, both houses consented, March 28, to grant a subsidy of 50,000 l. to be levied on every parish at 22s. 3d.; and those of greater value to contribute, by rate, to those of less. The clergy, here also, granted the king a separate aid of 50,000 l. more for one year, towards carrying on the French war; for the raising of which extraordinary sum, from that body, the very chantry-priests were taxed according to their annual stipends; as likewise all other small benefices which had never been taxed before. A great council of the estates sat at Winchester on the 8th day after Trinity Sunday this year; and was, probably, a committee appointed by this last parl. to meet and settle the aforesaid Tax on Parishes. The king, immediately on the granting this subsidy, had sent out his writs to the sheriffs of every county in England, to cause them to return to him the number of the parish-churches in each shire. After which the chancellor acquainted this committee, "that the number of parishes in England would not answer the said tax of 50,000 l. as might appear by the certificates of all the abps. bps. and sheriffs, made and returned into chancery, by the king's warrant." These certificates were examined by the committee, and many treaties and conferences had upon the matter; at last, to complete the sum of 50,000 l. the said committee of lords and commons granted out of every parish in the kingdom, the sum of 110s. the former sum of 22s. 3d. being included; except the county of Chester, which was a county palatine, and the church-lands, which were taxed to a 10th; and, as before, parishes of greater extent and value were to be contributary to the less. Stowe has preserved the list of the several counties of England, in which the number of parishes are mentioned and their several taxations fixed; which, since it is the first tax of that kind, that we have yet met with, well deserves our notice.

| *Shires.* | *Parishes.* | | *l.* | *s.* | *d.* |
|---|---|---|---|---|---|
| Bedfordshire, | 121 | *paid* | 701 | 16 | 0 |
| Berkshire, | 156 | | 904 | 16 | 0 |
| Buckinghamshire, | 200 | | 1160 | 0 | 0 |
| Cambridgeshire, | 172 | | 997 | 12 | 0 |
| Cornwall, | 194 | | 1125 | 4 | 0 |
| Cumberland, | 96 | | 556 | 16 | 0 |
| Derbyshire, | 96 | | 556 | 16 | 0 |
| Devonshire, | 331 | | 2149 | 16 | 0 |

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| *Shires.* | *Parishes.* | *l.* | *s.* | *d.* |
|---|---|---|---|---|
| Dorsetshire, | 237 | 1374 | 12 | 0 |
| Durham, | 61 | 553 | 16 | 0 |
| Essex, | 400 | 2259 | 18 | 0 |
| Gloucestershire, | 254 | 1473 | 4 | 0 |
| Herefordshire, | 144 | 834 | 4 | 0 |
| Hertfordshire, | 136 | 730 | 16 | 0 |
| Huntingtonshire, | 62 | 535 | 12 | 0 |
| Kent, | 393 | 2279 | 8 | 0 |
| Lancashire, | 58 | 336 | 8 | 0 |
| Lincolnshire, | 627 | 3636 | 16 | 0 |
| Leicestershire, | 209 | 1212 | 4 | 0 |
| London, | 110 | 637 | 0 | 0 |
| Middlesex, | 63 | 365 | 8 | 0 |
| Norfolk, | 806 | 3674 | 16 | 0 |
| Northamptonshire, | 303 | 1757 | 8 | 0 |
| Northumberland, | 60 | 348 | 0 | 0 |
| Nottinghamshire, | 164 | 951 | 4 | 0 |
| Oxfordshire, | 200 | 1160 | 0 | 0 |
| Rutlandshire, | 44 | 255 | 4 | 0 |
| Shropshire, | 114 | 661 | 4 | 0 |
| Somersetshire, | 391 | 2267 | 16 | 0 |
| Southamptonshire, | 230 | 1334 | 0 | 0 |
| Staffordshire, | 100 | 580 | 0 | 0 |
| Suffolk, | 515 | 2926 | 0 | 0 |
| Surrey, | 118 | 684 | 8 | 0 |
| Sussex, | 234 | 1647 | 4 | 0 |
| Warwickshire, | 183 | 1061 | 8 | 0 |
| Westmoreland, | 32 | 185 | 12 | 0 |
| Wiltshire, | 239 | 1386 | 4 | 0 |
| Worcestershire, | 139 | 806 | 4 | 0 |
| Yorkshire, | 540 | 3071 | 12 | 0 |

The sum, says Stowe, of all the shires in England, without the city of London, and the bishoprick of Durham be 37, and of parish churches 8600, and all the money amounted unto 50,1311. 8s. &c. Of the which was withdrawn 1811. 8s. by the reason that parishes in the county of Suffolk paid but 112s. 7d. And the parishes in the county of Devonshire paid but 112s. 10d. for their great poverty, and so was the king answered 50,000l.

The Petitions of the Commons, which were not answered in the preceding parl. were answered at this council. Amongst which the following is very remarkable:—"For that it had been declared to the king in the late parl. by all the earls, barons and commons of England, 'That the govt. of the kingdom had for a long time been managed by men of the church, whereby many mischiefs and damages had happened in time heretofore, to the disherison of the crown, and to the great prejudice of the kingdom:' that it would therefore please the king, that laymen of sufficient abilities, and no others, might for the future be made chanc. treasurer, clerk of the privy seal, barons of the exchequer, comptroller, or other great officers, and governors of the kingdom; and that this matter might be so established, that it should never be defeated, or any thing done to the contrary in time to come, saving to the king the removal and choice of such officers, yet so as they should be laymen.'. The king's answer was, "He would do in this point what seemed best to him by advice of his council." Though the king was, as usual, very concise in his answer to this petition, yet we find that he thought of it afterwards; for in a little time, Wm. of Wickham, bp. of Winchester, and ld. chanc. of England, delivered up the great seal to the king at Westm. which was immediately given to sir Rob. Thorp, one of the king's judges in the law. At the same time Tho. Brantingham, bp. of Exeter, was removed from being lord treasurer; and was succeeded by Rd. lord Scroop of Bolton.

Before the king set out on his last expedition to France, he left his grandchild Richard, now only son to the black prince, a youth scarce seven years old, guardian of the realm; appointing him a council for the management of all public affairs. On the 1st of Sep. 1372, writs of summons were issued out, in the name of this young guardian, for a parl. to meet 15 days after Michaelmas. But before that time the king was returned into England, so that new writs were sent out, dated at Winchelsea, the 6th of Oct. by which he adjourned the said parl. to the 3d of Nov. following. The lords and commons being assembled in the white chamber at Westm. on the day appointed, sir Hy. Bryan acquainted them, "That the prince of Wales, having by a grant from his father enjoyed Guienne, he had often by letters, &c. signified to the king, that the revenues and profits, arising from that principality, did not, nor could suffice to maintain him and support the govt. and wars against the French their enemies, and other necessary charges, without a great assistance from the king; and that the prince having made these things appear to the king and council, when first he came into England, had therefore surrendered into the king's hands the said principality, and all he could claim there by virtue of his grant, in the presence of the king and lords of his council." The next day the said sir Henry, in the same place, and before the said assembly, more expressly declared the cause of their summons to this effect; "That the king, by advice of his parl. had ordered several commanders of note to go over, some into Gascoigny and others to Calais, to oppose the designs of his enemies, and to make war upon them by all the ways they could: but, that afterwards, upon the sudden news that came to the king of their march, he went himself to sea with the rest of his forces; yet by reason of the winds being contrary, and other unavoidable accidents, he was forced to return without doing any thing. That, after having summoned this present parl. he adjourned the same, in order that the lords who were with him at sea might be also there, that by the good advice and council of them all he might do the best he could for the safety of the nation; and resist and oppose the malice of his enemies, who had made themselves, by land and sea, much stronger than ever they were before. He desired therefore the prince, prelates, dukes, earls, barons and commons, on the king's behalf, that they would consult about this matter, and give him such council and aid, as should seem to them most profit-

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able to the nation, and sufficient to reduce the power of his enemies." The prince, and all the rest of the estates, considering the great expence the king was to be at for the defence of the nation, and maintaining the war against his enemies, granted him the former subsidies on wool, leather and wool-fells, for 2 years longer, to begin at Michaelmas last past, viz. of every sack of wool that was shipped out of England, 2l. 3s. 4d. of every 12 score of wool-fells as much; of every last of leather 4l. of denizens, besides the old custom: of foreigners 4 marks on every sack besides the old custom; as much on every 12 score of wool-fells, and 5l. 6s. 8d. on every last of leather. But, whereas the said subsidy and custom so granted could not be sufficient for the great expence and charge the king was to be at, for the causes aforesaid; the said estates granted a 15th for one year, to be levied as the last. Then on the 23d of Nov. the said lords and commons again assembled in the white chamber, when the chanc. declared to the king, "How kind the parl. had been to him in granting him the said subsidies and 15th," who very heartily thanked them for their great aid: and then the petitions of the commons were read and answered according to custom. After which, the knights of shires had leave to depart, and sue out writs for their wages and expences, but the citizens and burgesses were commanded to stay. Whereupon, they being again assembled the same day before the prince, prelates, and lords, granted for the safe convoying of their ships and goods, a custom of 2s. on every tun of wine, imported or exported out of the kingdom, and 6d. in the pound on all their goods of Merchandize for one year. See Rot. Parl. 46. Ed. III. N. 1. 2. 3. 9.

On the 21st of Nov. 1373, another parl. met by summons at Westm. In the writs to the sheriffs were these unusual clauses, viz. "To cause to be chosen two dubbed knights, or the most worthy, honest, and discreet esquires of that county, the most expert in feats of arms, and no others; and of every city two citizens, of every borough two burgesses, discreet and sufficient, and such who had the greatest skill in shipping and merchandizing." —The king, prince, prelates, earls, barons, great men and commons, being assembled in the Painted Chamber, sir John Knivet, then ld. chanc. declared the cause of the summons, telling the lords and commons, "They knew very well that after the peace between the king and his adversaries of France, had been apparently broken by them, the king had many times sent great armies abroad to recover his rights, and to restrain the malice of his enemies; and, lately, had sent his son, the k. of Castile and Leon and d. of Lancaster, with many lords and others, to oppose the attempts of the French, who by their good and noble conduct, and feats of arms, had done great damages and destruction to his adversaries, as they well knew; to the no small honour of the king, and the peace and tranquillity of the kingdom. That besides the sum granted by the last parl. to the king in aid of these wars, great and heavy as it was upon the people, he had expended a great sum of his own more than that subsidy. Further, the lords and others who had ventured their lives and fortunes to defend them from their enemies, ought to be well refreshed and comforted with force and aid, and that with as much speed as possible, as was well known to many of this assembly who had been in the same condition themselves: also, that their enemy of France made himself as strong as he could, not only by his own people and allies, but by strangers of different countries, and by all the ways he was able, both by land and sea. Wherefore the king charged and besought them, considering the dangers that might happen to the kingdom for these causes, that they would speedily consult upon the matter, and give the king such advice as might be for the safety of him, the nation, and themselves. Lastly, the king told them by him, that this business required a very speedy dispatch; and that he desired that all manner of petitions, and other particular affairs, might be postponed until this had a good issue." After which, he commanded the commons to consider and give their advice, upon the points abovesaid; telling them, they might depart for that day, and come again in the morning.

During this consultation a committee of commons was sent to the lords, to desire they might have some bps. earls and barons, with whom they might confer, for the better issue of the matter enjoined them. They named the bps. of London, Winchester, and Bath and Wells, the earls of Arundele, March and Salisbury, and the lords Guy Brian and H. le Scroop; and it was agreed that they should go to the commons, and treat with them in the chamberlain's chamber. This consultation lasted till the 29th of Nov.; on which day the king, bps. lords and commons being again assembled, in the White-Chamber, the commons delivered to the king a schedule, containing an aid granted, which was read, beginning thus, "The lords and commons of England have granted to the king, in this present parl. a 15th &c." the substance of which grant was 2 15ths to be levied in 2 years; and if the war ended the 1st year, the 2d 15th not to be paid. Also, 6d. upon every pound value of merchandize going out of the kingdom, except upon wool, leather, wool-fells, and wine; of every tun of wine 2s. for 2 years, on the same condition; likewise the subsidy on wool to be received after Michaelmas, without condition for the 1st year, but under the same condition for the 2d. These subsidies were granted on proviso, that no other charge or imposition should be laid upon the people for those 2 years. Lastly, the commons prayed, that what was granted might be spent in maintaining the wars; and that no 'knights of shires or esqrs. citizens or burgesses, returned for this parliament, might be collectors for this tax.'—See

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Rot. Parl. 47 Edw. III. No. 4, 5. Cotton's Abridg. p. 116.

This schedule being delivered to the king was read before him, after which the commons requested an answer to their Petitions, which was promised; the chief whereof were these:—P. That the great charter and charters of the forest be kept. A. It pleaseth the king.—P. That the city of London, and all other cities and towns may enjoy their liberties, any statute notwithstanding. A. Let any shew the breaches in particular, and they shall be answered.—P. That the Staple be kept in Calais, and no patent or grant be made to the contrary. A. The king will appoint the staple as to him and his council shall seem best.—P. Certain counties there named do pray, that for their easier carriage of wools, a Staple may be at Lynn. A. The king granteth thereto, so that still the Staple at Yarmouth shall continue.—P. That as for the tythe of wood above 20 years growth, it may be enacted, that no tythe shall be due, and that in all such cases a prohibition may be granted. A. Such prohibition shall be granted, as hath heretofore been used.—P. That remedy may be had against the chirographer, because he will not engross any fine within the term, until the foot of the fine be fretted, unless he may have 3s. 4d. or 4s. more than his due fee of 4s. A. Let the aggrieved come to the common-pleas and he shall have right.—P. That the Statute of Labourers may be executed 4 times in the year, and that the justices may be removed for not doing their duty. A. The king granteth thereto.—P. That villenage may be only tried where it is laid, and no where else. A. The king meaneth not to alter the law as to this point.—P. That masters of ships shall be paid their wages for them and their mariners, from the day of their being appointed to serve the king. A. The taking up of ships shall not be but upon necessity, and the payment shall be reasonable as heretofore.—P. The said masters of ships request, that they may have allowance for the tacking of their ships worn out in the king's service. A. Such allowance hath not been made heretofore.—P. The commons request remedy against the provisions of the pope, whereby he reaps the first fruits of ecclesiastical dignities; the treasure of the realm being thereby conveyed away, which they cannot bear. A. The king hath already honourable ambassadors at the court of Rome, touching these grievances, before whose return he cannot well answer as to that point.—P. The burgesses of Bristol in this parl. require, that the said town, with the suburbs thereof, may be a county of itself; and that the perambulation of the same, with the bounds thereof returned into the chancery, with all the liberties and charters thereto granted, may be confirmed by act of parl. A. The king is content to grant, that the charters, liberties and perambulation aforesaid may be confirmed under the great seal.—P. That remedy may be had, that men be not called into the exchequer upon suggestion without process, contrary to the statute made in the 42d of the king. A. Let any particular man complain and he shall find remedy.

After this, we meet with no parl. for near 4 years; when a truce, and treaty of peace upon it, obliged the king to call one, to have their advice on several important affairs. The writs of summons were dated Sept. 20th, to meet on the 12th Feb. following. But by other writs dated Jan. 20th, the king thought fit to prorogue this parl. to the latter end of April, 1376; at which time it met in the painted chamber, before the king, where sir John Knivet lord chanc. opened the sessions; which he declared was for the causes following; "The first, and principal, was to advise about the good government and peace of the realm. For the defence and safety of the king as well by sea as land. To take order for the maintenance of the war with France, and elsewhere; and how and in what manner it might be done, for the best profit, quickest dispatch, and greatest honour of the king and kingdom." He then expressly told them, that what the king had hitherto done was always with their advice and assistance, for which his maj. entirely thanked them; and desired that they would diligently consult about these matters, the prelates and lords by themselves, and the commons by themselves, and give in their answers as soon as they conveniently could.

The commons, upon this, went to their wonted place, the Chapter-house of the abbey of Westm. the prelates and lords went, also, by themselves, and there were assigned a committee of lords to go to the commons, to treat and confer about the king's declaration. The lords who were of this committee, were the bps. of London, Carlisle, and st. David's; the earls of March, Warwich, Stafford, and Suffolk; the lords Peircy, sir Guy de Brian, sir Hy. le Scrope and sir Rd. Stafford; who after due consultation with the commons, agreed upon a grant for a subsidy, the preamble to which ran as follows;

"The lords and commons assembled in parl. having consideration of the very great charges and expences the king hath, and must be at, for the maintaining of his wars, and his noble estate; grant him the subsidy of wool, leather and wool-fells, as it was granted him in the parl. holden at Westm. in the 47th of his reign, from the feast of st. Michael next coming, when the subsidy then granted ended, to the end of 3 years: and the commons humbly pray the king to excuse them, that they have given him no other subsidy or aid for his wars, for that they were brought so low, and so disabled by the pestilence, the murrain among their beasts, and destruction of their grain and other fruits by bad weather, that they could not do more at present; but promised if any extraordinary case should happen, they would aid him to the utmost of their power, as they had done before, beyond all the commons of the world, to their liege-lord."

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After this, the commons, considering the great injury the nation had sustained by this long and expensive war, represented to the king and lords, in this parl. "That it would be for his honour and profit, as, also, that of the whole realm, which was grieved in divers manners by many adversaries, by the wars in France, Spain, Ireland, Britainy and elsewhere; that the king's council may be augmented with some lords, prelates, and others, to the number of 10 or 12, who should be continually near the king; so as no great business might pass, without the advice and assent of 6, or 4 of them at least, as the case required." To this request the king provided, always, that the chan. treasurer, and privy-seal, might execute their offices, without the presence of any of the said counsellors; whom the king was to assign, from time to time, of such as he pleased, who were to be sworn to keep this Ordinance, to do right to every one according to their power, without receiving any reward for so doing. The rest of the king's officers were, also, to be sworn to receive no gifts, fees or rewards, other than their salaries, liveries, and travelling charges.

The commons then made Protestation, "That they now were and always have been, and will be ready to aid the king with their bodies and goods, to the utmost of their power; yet if the king had always had about him loyal counsellors and good officers, he had been now rich in treasure, so that he should not have needed so much to have charged his subjects with so great subsidies, or taillages, considering the vast sums of gold which were brought into the kingdom for the ransom of the kings of France and Scotland, and other prisoners." It further seemed to them, "That for the particular profit and advantage of some private persons about the king, and their confederates, the realm was much impoverished, and many of the merchants undone; wherefore they thought it very profitable to the king and his whole kingdom, to have all these things duly amended, so soon as might be." And farther the commons promised the king, "That if he would do justice and speedy execution, upon such as should be found culpable, and proceed with them as law and reason required, they would undertake he should be so rich as to be able to maintain his wars, and support his other affairs for a long time, without any great charge to the commons." They then propounded 3 especial points to be enquired into and amended: 1st. "Whereas the staple of wool, and other staple merchandises and bullion, was lately ordained in parl. to be at Calais, and no where else, for the great profit of the king and kingdom, the advantage and amendment of the town, for the concourse of merchants, and their continual residence there; the said staple, bullion and trade was removed from thence, and like to be lost by the procurement and council of the said particular persons about the king, and their confederates, for their own profit, to the great damage and prejudice of the king and his realm, and the destruction of the town of Calais. 2nd, Whereas the king had need of divers sums of money for his wars and otherwise; some persons by consent and contrivance of the said particular persons about him, made agreement for divers sums to the use of the king upon usury, taking more from him for interest than they bargained for, to the deceit and grievous damage of the king. 3rd. Whereas the king was debtor to divers people upon record in great sums, several had by assent and contrivance of the said persons bargained with his creditors for the 10th, 20th, or 100th penny; and procured the king to pay the whole debt, in deceit of the king and his creditors, for the particular profit of themselves and confederates." Upon these articles several were impeached by the commons; as Rd. Lyon, merchant of London and farmer of the king's subsidy, and the lord Latimer his confederate, who were imprisoned, and disfranchised, and rendered incapable of bearing any office under the king, or to approach his council or court, besides their goods and chattels being seized into the king's hands. The commons farther petitioned, "That justices of the peace might be named in every county by the lords and knights of the said county in parl. and sworn before the king's council, and not to be removed without consent of parl. and that they might be allowed wages." The king's answer was, "They should be named by him and his continual council; and as to wages, he would consider of it."

About this time, Alice Peirce, the king's mistress, had such an ascendancy over him, that she had the assurance not only to intermeddle with public affairs; but also to appear and sit in the courts of judicature, both civil and ecclesiastical, and publicly defend those causes she had undertaken to promote: and therefore for the great scandal and reproach it cast upon the king and his govt. in foreign countries, the commons had particularly petitioned for her removal from the king's person: though it seems this petition had no great effect, for not long after the dissolution of this parl. she was again restored to the king's favour, and to that degree, as to be revenged upon her enemies; for she procured sir Peter de la Mare to be committed close prisoner to Nottingham castle, where he lay till the beginning of the next reign; and that for no other reason, but because he had spoken too freely against this Alice Pierce in the late parl.

The king issued out writs for a parl. to meet the 27th of Jan. 1377, at Westm. But Edw. was then so old and infirm, as not to be able to appear; and a commission was granted to Rd. prince of Wales, who was then about 10 years of age, to hold the parl. in his stead. At the day of their meeting, in the painted chamber, the young prince sitting in the king's own seat, dr. Houghton, bp. of st. David's, ld. chanc. made a speech to the assembly, in the nature of a sermon, upon this text; "Ye

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suffer fools gladly, seeing that ye yourselves are wise." The application he made of his subject was, that, "They being wise desired to hear him who was the contrary." He proceeded with scripture, and said, "That as a messenger who bringeth joyful tidings is welcome, so ought he to be now, since he brought them the joyful news of the king's happy recovery from a dangerous sickness." From hence he took occasion to argue, That God loved the king and the realm; the king because, *quos diligit castigat*, whom the lord loveth he chasteneth; and further, from that of the psalmist, *Uxor tua sicut vitis abundans in lateribus*, thy wife shall be as the fruitful vine, &c. and from thence he shewed that no christian prince could be so happy; which happiness he exaggerated from another quotation, *ut videas filios filiorum*, thou shalt see thy children's children, which the king now had the pleasure to see. That God loved the realm he proved from the recovery of so renowned a prince; the said recovery happening in the 15th year of his reign; the year of Jubilee, the year of joy for his said recovery; of joy, because he would thereby impart unto his subjects blessings, as well spiritual as temporal, all bodily comforts. Then from a similitude, that although the head be sound, if some particular member of the body be diseased, the same infected part can receive no virtue, benefit, or remedy from the head; so he inferred that the king being now the sound head, and willing to shew grace and favour to his subjects, they ought to qualify themselves a-right by approving their loyalty sound and uncorrupted; and therefore be persuaded such, as would be partakers thereof, to conform themselves, by having love and charity, without which he proved, by st. Paul, nothing would avail." After the prelate had thus preached up loyalty to the whole audience, he addressed himself, particularly, to the lords, and told them, "what reason they had to think the king loved them dearly, since amongst other gracious tokens of his goodwill, he had, upon their requests, since the last parl. advanced the lord Richard, there present, to be prince of Wales. Then he proceeded to shew what cause they had to cherish the said prince, by offering unto him, as the wise men did to Christ, all honour, by presenting him gold, in token of riches and renown, and Myrrh in token of his honourable sceptre; since even the Pagans were used to throw abroad money at the approach of any of their princes." He insisted, "That the said prince should, without all rancour, be embraced with their hands and hearts, even as Simeon embraced Christ, because their eyes had now seen that which their hearts had much longed for; that they ought to obey him as the vicar and legate of God, that they might see the true peace of Israel, viz. here in England, the inheritance of God; of which many victories had assured him there was no small hope." Lastly, he declared the cause of summoning this present parl. to be, "For that the French king, under colour of the truce, granted by the king at the mediation of the pope, yet enduring, had allied himself both to the Spaniards and Scots, the king's enemies, and had prepared great quantities of arms and powerful armies, thereby conspiring to blot out the English tongue and name from under heaven. In which case the king required their faithful council, and he prayed them to consult together for that purpose, that the king might have their answer as soon as possible. See Cotton's Abridgment, 51. Edw. III. 144, &c.

After the ld. chanc. had ended his harangue, he was seconded by sir Rob. Ashton, the king's chamberlain, and lord high treasurer of England, who said, "That he had a particular charge to move to them from the king, for the profit of the realm; that because divers usurpations were by the see of Rome made upon the king, his crown and realm, as by particular bill in this parl. should be declared, he required them to seek redress. Yet the king at the same time protested, that he was ready to do all that he ought, to satisfy his holiness about it." The commons were then desired to repair to the chapter-house of Westm. abbey, there to treat and advise how a fitting resistance might be made against the enemies of the nation, for the safety of the kingdom; and how money might be most speedily raised with the least grievance of the people. Certain lords, as before, were also named, from time to time, to confer with the commons, for their better direction and information.

The result of these consultations was, that to maintain the king's wars, and the great charge he would be at for them, and the necessary defence of the kingdom, the lords and commons granted him 4d. by way of poll from every person of the kingdom, male and female, above 14 years of age, except mere beggars; and most humbly prayed their liege lord, "That he would please to excuse them that they could grant him no greater subsidy, being most willing to have done it; but that they were so impoverished of late by great losses, at sea, and otherwise, that they were not able at present to do more." And the commons prayed the king, "That he would please to name 2 earls and 2 barons for his treasurers, as well of this subsidy, as of that the clergy was yet to grant; and also of the late subsidy of wool, pells, and leather, granted the last parl. and that they might be sworn in their presence, that what was received by them, should wholly be expended upon the wars, and not otherwise; and that the high treasurer of England should receive nothing, or any ways meddle therein. But afterwards, when they had considered what sum the wages of such 4 treasurers would amount unto by the year, the commons departed from this request, and prayed, "That the high treasurer might be receiver to the use of the war, in manner accustomed."

The commons in this parl. farther besought

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the king, "That a charter lately granted in the great council, to the mayor, aldermen, and commons of the city of London, upon the article, "That no foreign merchant ought to sell to another strange merchant any goods or merchandise, to sell again, in manner as in the said patent is more fully contained," might be renewed and granted, as well to other cities and boroughs, as to them, with a charter, or clause of confirmation." The answer to which was, that, "The king will be farther informed."

At the same time the commons, with the mayor, aldermen and commonalty of the city of London, petitioned the king, "That whereas divers mischiefs often happened in the said city, by reason the coroner was not punishable by the mayor, aldermen, and other officers; that they might chuse a coroner of themselves, and remove him when they pleased, as it was practised in divers cities and towns of the land, they answering to the king in manner as appertained to the said office." The king's answer was, "The king will not depart from his ancient rights." And they farther petitioned in this case, "That all provisors of benefices from Rome, with their officers or servants, may be put out of the king's protection, if they sue, prosecute, or any ways disturb, or cause to be excommunicated the true patrons." The answer was, "The pope had promised redress, and if he makes it not, the laws in this case shall be in force."

Mr. Prynne, the publisher of sir Rob. Cotton's "Abridgment," has added a remark of his own, with which we shall conclude our account of this parl. "The prelates, dukes, earls, barons, commons, citizens, burgesses, and merchants of England, in this parl. petition the king, not only "for a pardon in general, and of all fines and amerciaments before the justices of the peace, not yet levied in special;" which this "Abridgment" only toucheth, but they likewise subjoin thereto this memorable request (totally omitted by the abridger) which I thought meet here to supply, "That in time to come your said prelates, earls, barons, commons, citizens, and burgesses of your realm of England, may not be henceforth charged, molested, nor grieved to make any common aid, or sustain any charge, unless it be by common assent of the prelates, dukes, lords and barons, and other people of the commons of your realm of England, and that in full parl.: nor no imposition put upon their wools, wool-fells, and leather, or any the ancient custom; that is to say, of one sack of wool half a mark, and of 300 wool-fells half a mark; and of one last of skins one mark of custom only, according to the statute made the 14th year of your reign; saving to you the subsidy granted unto you the last parl. for a certain time, and not yet levied." To which last clause the king then gave this answer, "As to the clause, that no charge be laid upon the people without the commons assent; the king is not at all willing to do it, without great necessity, and for the defence of the realm, and where he may do it with reason. And as to the clause, that impositions be not laid upon their wools without assent of the prelates, dukes, earls, barons, and other people of the commons of this realm; there is a statute already made, which the king wills that it should stand in force."

### *Taxes in the Reign of Edward III.*

In his 6th year he had granted him a 15th by the counties, and a 10th by the cities and burghs for one year. In his 8th year he had the same, and a 10th granted by the clergy. In his 10th year he had the same tax from laity and clergy. In his 11th year he had a 3-years 10th given him by the clergy in convocation, a 3-years 10th given him by the citizens and burgesses in parl.; and also a 3-years 15th to maintain the war then begun with France, and to pay the Germans, Brabanters, and other confederates on the borders of Germany, against the king of France. In his 13th year the Great Men gave him the 10th sheaf of all manner of grain of their demesne lands, except of their bond tenants, with the 10th fleece and the 10th lamb. Then a parl. was summoned to meet 8 days after st. Hilary, or 20th of Jan. in which the commons gave the king 30,000 sacks of wool. In his 14th year, the prelates, earls, barons, for themselves and their tenants, the knights of counties for themselves and the commons of the land, granted to the king the 9th sheaf, fleece, and lamb; but the citizens and burgesses gave the 9th of all their goods, according to the true value, for two years next coming; and those that lived not in cities and boroughs, nor lived upon tillage or shop-trades, paid the 15th of all their goods, according to the true value. Upon the king's writing to the parl. for speedy supply, seeing the 9ths could not be levied time enough for his service, the lords and commons agreed to have 20,000 sacks of wool speedily provided. In his 15th year the 9ths were revoked, in respect of this grant of 20,000 sacks of wool. In his 18th year, the clergy of the province of Canterbury granted a 3-years 10th, and the knights of counties gave two 15ths and two 10ths of cities and boroughs; and afterwards the commons granted another 15th. The lords promised to go with the king in person, and therefore gave nothing. In his 21st year, the commons granted two 15ths, to be levied in two years in cities, boroughs, and ancient demesnes, as also of the commons of the counties. In his 22nd year, the commons granted three 15ths, to be levied in 3 years; so as one 15th was to be levied in each year, and no more. In his 26th year the Great Men of the realm and the commonalty granted the king three 10ths, to be paid in 3 years. In his 27th year the king made it his request, that the prelates, great men, and commons would grant him the subsidy of wool-fells and leather for some time; to which prayer they unanimously consented, and granted that subsidy in manner



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as it had been received before that time for 3 years. In his 29th year the commons came into the presence of the king, prelates, and great men, assembled in the White-Chamber; and having there a short conference with the great men, granted unanimously the subsidy of wool, leather, and wool-fells for 6 years next coming; so as during that time no other impositions or charges be put upon the said commons. In his 36th year the great men and commons granted unto the king, of every sack of wool transported 20s. of every 300 wool-fells 20s. and of every last of leather 40s. besides the ancient custom of half a mark a sack of all denizens, and 10s. of strangers; and one mark for every last of leather of denizens, and 20s. of strangers, for 3 years. In his 42nd year the prelates and great men, having had full deliberation with the commons, granted the subsidy of wool, wool-fells, and leather for 2 years; of every sack of wool, and every twelve score wool-fells, 36s. 8d. of every last of leather 4 pounds, besides the ancient custom as before. In his 43d year the lords and commons granted to him the subsidy as above for 3 years; of every sack of wool 43s. 4d. which passed beyond sea; of every twelvescore wool-fells as much, and of every last of leather 4 pounds, besides the ancient custom; of strangers, for every sack of wool 4 marks, of every twelvescore wool-fells 4 marks, and of every last of leather 8 marks, besides the ancient custom. In his 45th year the great men and commons granted a subsidy of 50,000l. to be levied of every parish of the land 22s. 3d. so as the parishes of greater value should contribute rateably to those of less value. This 22s. 3d. answered not the sum of 50,000l. and therefore not long after at Winchester, the great men and commons granted 110s. out of every parish, the 22s. 3d. being comprised in it; so as the parishes of greater value should contribute to those of less. In his 46th year the lords and commons granted for 2 years the subsidy on wool, leather, and wool-fells, as it was granted in the 43rd year. And for that this subsidy proved not sufficient for the king's expences, they granted a 15th for one year, to be levied as the last was. Besides this, the citizens and burgesses in this parl. for the safe convoying of their ships and goods, granted 2s. upon every tun of wine; and 6d. in the pound of all goods for a year. In his 47th year the lords and commons granted a 15th, as it had been in ancient manner levied for 2 years; they also gave tonnage and poundage for 2 years, as it was given the last year, of all merchandises exported and imported, except of wool, wool-fells, and leather, and then granted the subsidy of them for the next year coming. In his 50th year the lords and commons granted the subsidy of wool, leather, and wool-fells, for 3 years, as it had been granted in his 47th year. In his 51st year the lords and commons granted him 4d. of every person of the kingdom, males and females, above the age of 14, except very beggars; and then they desired to be excused that they could give no greater subsidy, because of their present grievous necessities. See Rot. Parl. and T. Wykes.

Towards forming some idea of the amount of these subsidies, we shall exhibit the following account of the

*Price of provisions in this King's reign.*

In 1326, at Tunbridge, in Kent, 70 acres of arable land was worth 35s. per an.; 12 hens at 1s. 6d.; 1 cock and 13 hens, at 1s. 7d.; 8 porkers and a half, at 15s.; 80 acres of arable, at 20s. or 3d. per acre; 20 acres of pasture, each at 1d.; 14 acres of meadow, each at 4d.; 18 acres of arable, each at 3d.; 27 acres of arable, each at 4d.; 2 acres of meadow, each at 10d.; a cock 1d.; 3 hens, 4½d. From hence we may see, that we can make no certain computation from the rate of acres, because of the difference of the grounds. (See Lambard's Perambulation of Kent, p. 541.) In 1336, there was such plenty of corn, and scarcity of money, says Knyghton, that wheat was sold at London, by the qr. at 2s.; a fat ox, at 6s. 8d.; and Fabian adds, for a fat sheep, 6d.; and at most 8d.; 6 pigeons, 1d.; a fat goose, at 2d.; a pig, 1d.; and all other victuals after the same rate; occasioned by the king's gathering up all the money he could get, to carry on his wars in France and Scotland. In 1338, wheat sold per qr. at 3s. 4d.; barley, at 10d.; pease and beans, the qr. at 1s.; oats, the qr. at 10d. In 1339, several undertakers promised to deliver at the town of Berwick, and in Leith Road, 10,000 qrs. of wheat and malt, each qr. at 9s.; oats, beans, and pease, each qr. at 5s. This was a high price. (See Collin's Abridgement.)—In 1343, two oxen, price of each 8s. In 1344, one cow sold at 5s. (See Kennet's Paroch. Antiq.)—In 1348, in the time of the pestilence, things were sold almost for nothing. A horse worth 40s. was sold for 6s. 8d.; a good fat ox, at 4s.; a cow, at 1s.; an heifer, or steer, at 6d.; a fat mutton, at 4d.; an ewe, at 3d.; a lamb, at 2d.; a hog, at 5d.; a stone of wool, at 9d. The historian says, they were not only afraid of the cattle's dying, but of their own, for, otherwise, wool need not have been so cheap. (See Knyghton, Col. 2599.)—In 1349, corn was so plentiful, and other provisons, that wheat was sold, by the qr. at 2s.; a fat ox, at London, for 6s. 8d.—In 1359, wheat was very dear, a qr. says Fabian, was sold at 1l. 6s. 8d.—In 1361, wheat was so cheap, that a qr. was sold at 2s.; 2 hens, for 1d.—In 1363, a widow paid 4 hens, or in money 4d.; 12 hogs, at 18s. each hog, at 1s. 6d. Yet wheat was so dear, says Walsingham, that a qr. was sold at 15s.—In 1369, Walsingham says, there was such a dearth, that wheat was sold at 1l. 4s.; and, according to Stow, at 1l.; barley, at 16s. 4d.; oats, at 8s.

*Acts passed in the Reign of Edward III.*

An. 1 Edwardi III.—1. An act, that none be grieved for the pursuit of Edw. II. 2. A

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confirmation of the exile of sir Hugh Spencer and his son. 3. An adnullation of fines levied to the Spencers. 4. Trial of an averment in writs of false judgement. 5. Touching averment against returns of bailiffs of franchises. 6. Concerning attaint, as well upon principal as upon damages in trespasses. 7. Against gaolers, that compel prisoners to make appeals. 8. Against offenders in Forests.

Statutes made at another Parl. in the same Year.—1. A confirmation of the Great Charter, and the Charter of the Forest. 2. How every person may use his woods within the forest; seizing of the temporalities of bishops, 3. A confirmation of k. Edw. II.'s pardon to the Jews and all others. 4. For ordering the king's debts. 5. Limiting how far the subjects shall be bound to go to the wars. 6. For the tax of the aid granted to the king. 7. For wages to be given to soldiers. 8. That no money be taken for fair pleading. 9. A confirmation of liberties of cities and boroughs. 10. There shall be no more grants of corodies at the king's request, by bishops, abbots, &c. 11. That no suits be made against indictors in spiritual courts. 12. No forfeiture but a fine shall be made for alienation of lands holden of the king. 13. Purchasing of lands holden of the king as of some honour. 14. Against maintainers of quarrels. 15. None shall be bound by writing to come armed to the king. 16. Who shall be justices of the peace. 17. Indictments to be by indenture in sheriffs turns.

An. 2 Edw. III.—1. A confirmation of the Great Charter, and the Charter of the Forest. 2. In what cases only pardon of felony shall be granted; who shall be justices of assise. 3. No man shall come before the justices, or go or ride armed. 4. A confirmation of the statute of Lincoln for sheriffs. 5. For delivery of writs to sheriffs to be executed. 6. A confirmation of the statute of Winchester, and for assigning power to justices of the peace. 7. For punishment of felons and murderers. 8. That right be not delayed to the subjects. 9. That all staples shall cease. 10. The king's pardon of fines forfeited. 11. The common bench shall not be removed without warning by adjournment. 12. Hundreds and wapentakes shall not be annexed to counties, and not let to farm. 13. For process in trespass done in the time of k. Edw. II. 14. For the measuring and assize of cloth. 15. For fairs to be holden in their usual time. 16. For *Nisi Prius* to be granted as well at the tenant's suit, as at the demadant's. 17. Touching writs of deceipts given in a *Scire facias* in a plea of land.

An. 4 Edw. III.—1. A confirmation of the Great Charter, the Charter of the Forest, and of all statutes not repealed. 2. The authority of justices of assize, gaol-delivery and of the peace. 3. Touching purveyance of the king and queen's houses. 4. A confirmation of the statute of 28 Edw. I. stat. 3. c. 2. touching purveyors. 5. The king's pardon of certain fines. 6. A confirmation of the statute of Carlisle. 7. Executors shall have an action of trespass for a wrong done to the testator. 8. Touching the passage over the seas at Dover. 9. Sheriffs and bailiffs shall have sufficient in the county. 10. Sheriffs and gaolers shall receive offenders without taking any thing. 11. Justices of assize shall inquire of maintenance, conspiracy, and champerty. 12. For the sale of wines. 13. A confirmation of the statute of Northampton, made 2 Edw. III. for granting of pardon. 14. For a parl. to be holden once every year. 15. For wapentakes and hundreds to be letten at the old farm.

An. 5 Edw. III.—A confirmation of the Great Charter, and the Charter of the Forest. 2. Against the king's purveyors. 3. A confirmation of the statute of Carlisle, touching religious houses. 4. That sheriffs and other officers shall have sufficient in the county. 5. The penalty if any do sell ware at a fair after it is ended. 6. *Nisi Prius* shall be granted in attaint, but no essoin or protection: days given. 7. Attaint shall be granted in trespass, if the damage pass 40s. 8. The marshals of the king's bench shall not bail felons. 9. None be attached or judged, nor outed of his lands or goods, contrary to the Great Charter. 10. For punishment of jurors that take money to give their verdict. 11. Process against those that be appealed, indicted, or outlawed in one county, and remain in another. 12. For allowance of charters of pardon in out-lawries at the suit of the party. 13. Touching the avoiding outlawries by imprisonment. 14. For arresting of suspected persons and night-walkers.

An. 9 Edw. III.—1. That merchant strangers may freely sell all manner of merchandizes to whom they will without disturbance. 2. That no man shall lose his land because of *Nonplevin*. 3. Limiting what essoins shall be allowed to executors being sued for the debt of the testator. 4. For trial of deeds, dated where the king's writ runneth not. 5. That justices of assize, &c. shall send their records to the exchequer.

Other Statutes made in Parl. the same ninth Year.—1. An act that no sterling money nor plate be carried out of the realm. 2. That no false money be brought into the realm. 3. That no sterling halfpence nor farthings be molten by goldsmiths. 4. Whereby black money is prohibited to be current. 5. For punishment of the offenders of this statute. 6. An oath of merchants and shipmasters, that they shall not offend this statute. 7. For tables of exchange. 8. For passage of pilgrims at Dover only. 9. For search, that no money or plate be carried out of the realm, nor false money brought in. 10. For the wages of searchers, and their punishment. 11. That hostlers in every port be sworn to search their guests.

An. 10 Edw. III. Stat. 1:—1. A confirmation of the Great Charter, the Charter of the Forest, and of all statutes not repealed. 2. That

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no pardon be granted against the statute made at Northampton, an. 2 Edw. III. c. 2. 3. They that have charters of pardon, shall find surety for their good abearing.

Statutes of Purveyors made the same tenth Year. Stat. 2. 1. Things purveyed for the king's house shall be praised, and tallies made thereof. 2. The sheriff shall make purveyance for the king's horses. 3. Certain persons shall be appointed to hear the offences of the keepers of the king's horses. Articles sent to the several sheriffs for preserving the peace of the kingdom till the meeting of the next parl. annexed to the preceding statute.

Stat. 3. Statutum de Cibariis utendis, editum apud Nottingham.

An. 11 Edw. III.—1. An act against carriage of wools out of the realm. 2. Against wearing of outlandish cloth. 3. Against bringing of foreign cloths into the realm. 4. Concerning the wearing of furs. 5. Licensing clothworkers of strange lands to come and dwell in England, and other the king's dominions.

An. 14 Edw. III.—1. A confirmation of liberties of the church, and the Great Charter. 2 and 3. An act of the king's pardon. 4. Whereby presentment of Englesehrie is abolished. 5. For redress of delays in judgments in the king's courts. 6. For amendment of records. 7. How long sheriffs shall tarry in their offices. 8. Concerning escheators and coroners. 9. Concerning bailiffs errant, and against letting to farm of hundreds and wapentakes. 10. Sheriffs shall have the keeping of gaols. 11. The clerk of the statutes shall be resident upon his office. 12. For true weights and measures. 13. Touching waste done by escheators in wards lands. 14. For writs of search. 15. Against granting of pardon to felons. 16. Touching the granting of *Nisi Prius* before any justices. 17. Touching a *Juris Utrum*, and other writs maintainable for parsons, vicars, provosts, &c. 18. Against vouching to warranty a dead person. 19. Against purveyors. 20. Of subsidy and fifteen. 21. Of subsidy of wools, and customs for the same.

Other Statutes made in the same Fourteenth Year. Stat. 2.—1. An act touching the subsidy. 2. That all merchants strangers may have safe conduct.

Statute concerning the Clergy made in the same Fourteenth Year. Stat. 3.—A statute made at Westminster, April 16. An. 14. Edw. III. Stat. 3. reciting some former grants, and limiting the custom on wool, plate, &c.

Stat. 4.—1. An act that spiritual persons goods be not taken by the king's takers. 2. Touching presentments to churches made by the king in another's right. 3. Against seizing the bishops temporalties into the king's hands. 4 and 5. Against waste done by escheators in bishops temporalties, and who shall have them during the vacation.

Stat. 5.—An act that the subjects of England shall be out of subjection of the kings of France.

An. 15 Edw. III.—1. An act for the maintenance of the Great Charter, and of other Charters. 2. Concerning trial by peers. 3. The chancellor and other great officers to swear to keep the laws. 4. For offices to be seized into the king's hands in time of parl. 5. Appointing who shall punish usury. 6. Ministers of the church shall not answer before the king's justices for things done touching the jurisdiction of the church.

Another Statute made the same Fifteenth Year. Stat. 2.—A revocation of the said former statute, made 15th Edw. III.

Another Statute made the same Year. Stat. 3. —An act for a subsidy of wools, and other things concerning wools, containing seven chapters.

An. 17 Edw. III.—An act for the searching of money.

An. 18 Edw. III.—A statute for declaration of exigents.

An. 18 Edw. III. Stat. 2.—1. An act for ceasing of commissions of new inquiries. 2. Touching justices of the peace. 3. For sorting and buying of wools. 4. To repeal commissions for essay of weights and measures. 5. Touching exigents in trespass. 6. For the new money and the exchanges. 7. When the king's wages to soldiers shall begin and end.

Other Statutes the same 18th Year for the Clergy. Stat. 3.—1. A triennial *Disme* granted to the king by the clergy towards his war in France. 2. An act for trial of bigamy. 3. Against purchasing lands in Mortmain. 4. Confirmation of the statute of purveyors. 5. Touching prohibitions. 6. Temporal justices shall not make commissions, to inquire of process made by spiritual judges. 7. Touching *Scire facias* for *Dismes*.

Stat. 4.—The oath of justices.

Stat. 5.—The oath of the clerks of the chancery.

An. 20 Edw. III.—1. An act that right be done by justices to all men. 2. That right be done by the barons of the exchequer. 3. For the oath of the justices of assizes and gaol-delivery. 4. None shall maintain any quarrels but their own. 5. Lords and great men shall put such out of their service which are maintainers of quarrels. 6. Justices of assise shall inquire of the demeanour of sheriffs, and other officers.

Statutes of Labourers, An. 23. Edw. III.— 1. What persons shall be compelled to labour. 2. An act that labourers retained depart not within their term. 3, 4, and 5. For labourers wages. 6. For victuallers. 7. For beggars. 8. For artificers.

The Statute of Labourers, made An. 25. Edw. III.—1, 2, and 3. What wages labourers and others shall take. 4. For cordwainers, and other artificers. 5. For punishment of the offenders of this statute. 6. An act against extortions by sheriffs, &c. 7. For holding of sessions, and against unlawful departure of servants.

Another Statute made the same 25th Year.

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Stat. 2.—An act touching such as be born beyond the seas.

Statute for the Clergy, made the same 25th Year. Stat. 3.—1. A confirmation of all liberties granted to the clergy. 2. An act for repeal of an act made 14 Edw. III. cap. 2. touching the king's presentment to a church of another's right. 3. That the king's title shall be examined when he presents to a benefice. 4. For clerks convict of treasons and felonies. 5. Clerks shall be arraigned of all their offences. 6. Touching seizing of temporalties, and taking fines of bishops for contempts. 7. The incumbent may plead against the king in a *Quare Impedit*. 8. For coguizance of *matters* pertaining to the church. 9. Touching indictments of extortions of ordinaries.

A Statute for clothes made in the same 25th Year. Stat. 4.—1. An act for measuring of clothes. 2. For victual and other merchandizes to be sold by merchants strangers without interruption. 3. Against forestalling of wines. 4. For pulling down of new wears.

*A Statute* of Purveyors made in the same 25th Year. Stat. 5.—1. An act touching purveyors for the king's house. 2. For declaration *of treason*. 3. No indictor shall be put upon the inquest of the party indicted. 4. That no man be condemned by suggestion, without lawful presentment. 5. Touching actions brought by executors of executors. 6. Against takers *of wood* or timber for the king. 7. For the gathering of the foresters. 8. None shall be constrained to find men of arms. 9. Auncel *weight* abolished. 10. For true measures. 11. For reasonable aid to make the king's son knight, or to marry his daughter. 12. For exchange of gold and silver. 13. Against impairing of money. 14. What process shall be *awarded* against men indicted of felony. 15. Against purveyors taking more sheep than be needful. 16. Exception of nontenure of parcel *shall* not abate the whole writ. 17. Touching process of outlawry in actions of debt, detinue, and replevin. 18. Touching villenage. 19. Touching protections granted by the king. 20. For plate to be received into the mint by *weight*, and returned in money by weight. 21. For taking wines by the king's butler. 22. Against provisors to the court of Rome. 23. Against Lombards that escape out of the realm being in debt.

Other Statutes made in the same 25th Year.

Stat. 6.—A statute of provisors.

Stat. 7.—A statute of the form of levying *of the fifteen*.

An. 27 Edw. III.—1. Against provisors to the court of Rome. 2. Touching charters of pardon for felonies. 3. For commissions to be awarded to redress victuallers, and dearth of victuals. 4. For aulnage and assize of clothes, and a subsidy granted upon every cloth. 5. Forestalling of Gascoigne wines, felony. 6. For merchants of Gascoigne safely to bring their wines. 7. That it shall be felony to sojourn in Gascoigne, and buy wines there by English merchants. 8. For gauging of wines.

The Statute of the Staple, made the same 27th Year.—1. Where the staple shall be kept. 2. All merchants may freely sell all their merchandizes in the staple. 3. Merchants may buy wools, leather, fells, and lead in England, so that they be carried to the staple. 4. That none going to the staple be disturbed by the purveyors. 5. The king's justices shall have no cognizance of that which pertaineth to the staple. 6. That no marshal or other minister meddle with the staple. 7. Touching licence of passage of wools, leather, fells, or lead. 8. The jurisdiction of the staple. 9. For recognizance of statutes of the staple. 10. For weights and measures of the staple. 11. Against forestalling of merchandizes coming to the staple. 12. That no wools, fells, leather, nor lead, be carried into Scotland. 13. Touching goods robbed upon the sea coming into the realm. 14. For bringing of bullion into the king's exchanges. 15. Concerning indentures to be made between carriers of merchandizes to the staple by fresh rivers, and the bailiffs of the towns where they be shipped. 16. For the rent of places in the staple where wools and other merchandizes shall be set. 17. That no merchant stranger be impeached for others debt. 18. Merchants of Ireland and Wales may bring their merchandizes to the staples in England. 19. That none lose his goods by forfeit of his servants. 20. Merchant strangers taken into the king's protection. 21. The authority of the major and constables of the staple. 22. For correctors of strangers and denizens to be in the staple. 23. For a certain number of porters, and other officers, to be in the staple. 24. For association to the major of the staple, where any alien is party. 25. Nothing to be done in prejudice of the staple. 26. Credence to be given to the letters or oaths of the owners of merchandizes coming into the realm, testifying the true value of them. 27. The penalty of them that be convict for shipping of wools. 28. Confirmation of privileges and customs of the staple. 29. The fees of the mayors and constables of the staple.

An. 28 Edw. III.—1. Confirmation of all statutes not repealed. 2. The lords marchers in Wales shall be attendant to the crown of England, and not to the principality of Wales. 3. None to be disseised or imprisoned, without due process of the law. 4. How escheators and other officers shall answer the king the profits of lands coming to him by the death of his tenants. 5. No iron shall be sent out of the realm. 6. For the election of coroners. 7. How long sheriffs shall abide in their offices. 8. An attaint shall be granted as well upon a bill as upon a writ of trespass. 9. No writ shall be directed to a sheriff to charge an inquest to indict any. 10. For redress of errors, and misprisions in government in the city of London. 11. Fresh suit shall be made after robbers from country to country. 12. Within what time purveyances made for the king's house shall be paid for. 13. The warrant of

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packing of wools shall be put out, and inquests shall be *De medietate linguæ*, where an alien is party. 14. For shewing of wools every day at the staple, except Sunday. 15. An act declaring the bounds of the staple.

An. 31 Edw. III.—1. Confirmation of the Great Charter, and the Charter of the Forest. 2. Against the abating of the prices of wools. 3. For discharge of the estreats in the exchequer. 4. Against extortion in bishops officers for probates of wills. 5. The contents of a tun of wine, and the true gauging of the same. 6. Touching fines and amerciaments of labourers. 7. Justices shall inquire of the offenders of the laws of the staple. 8. What refuse shall be made of wool. All wools shall be brought to the staple. 9. The chancellor and treasurer upon cause may defer the passage of wools. 10. For the rule and reformation of the victuallers of London. 11. To whom the ordinary may commit administration, where a man dieth intestate, and the administrators to have actions, as executors should. 12. The chancellor and treasurer shall reform and examine errors in the exchequer. 13. The king's pardon. 14. For levying of escapes. 15. At what time the sheriff shall hold his turn.

The Statute of Herrings made in the same One and Thirtieth Year. Stat. 2.—1. Touching herring, and the manner of selling thereof. 2. Concerning the sale of herrings at Yarmouth. 3. For stockfish.

Other Statutes made the same 31st Year. Stat. 3.—1. For fish coming within the haven of Blackney. 2. Ordinances for fish.

Stat. 4. *Ordinatio facta pro Statu terræ Hiberniæ*, containing 19 Chapters.

An. 34 Edw. III.—1. For justices of peace. 2 and 3. For purveyors. 4. For making of panells, and who shall be impanelled upon juries. 5. Auncel weight abolished. 6. For weights and measures. 7. Attaint shall lie as well in plea real as personal. 8. Against jurors taking money for giving their verdict. 9, 10, 11. For labourers. 12. There shall be no forfeiture of lands for treason of dead persons not attainted. 13. How escheators shall take their inquests. 14. For traverse of offices. 15. Confirmation of alienations made by the tenants of king Henry the Third, &c. 16. Nonclaim of fines shall be no bar. 17. Merchants, aliens, or denizens may come into Ireland. 18. For them that have possessions in Ireland. 19. No custom to be paid for canvasses to pack wools in. 20. For passage of corn to Calais. 21. For passage of wools. 22. For hawks found.

An. 35 Edw. III.—An ordinance touching herrings coming to Yarmouth, and the hostellers there.

An. 36 Edw. III.—1. Confirmation of the Great Charter, the Charter of the Forest, and of all statutes not repealed. 2, 3, 4, 5, 6. Acts against purveyors. 7. Of what things the major and constables of the staple shall have cognizance. 8. For the wages of parish priests. 9. For punishment of the offenders of the said statutes. 10. A parl. shall be holden once every year. 11. No subsidy shall be imposed upon wools without assent of parl. 12. For the quarter sessions of the peace. 13. Concerning escheators. 14. Fines and amerciaments of labourers shall be to the use of the commons. 15. Pleadings shall be in the English tongue, and entered in Latin.

36 Edw. III. Stat. 2.—The king's general pardon.

An. 37 Edw. III.—1. Confirmation of the Great Charter, the Charter of the Forest, and all statutes before made. 2. For writs of *Idemptitate, nominis*. 3. For the price of poultry. 4. For clerks of the exchequer. 5. Against ingrossing of merchandizes. 6. For handicraftsmen to hold them in one occupation. 7. How goldsmiths shall make their silver vessels. 8, 9, 10, 11, 12, 13, 14, 15. Acts for apparel. 16. An act for wines. 17. In what case a writ shall not be abated by exception of cognizance of villenage. 18. How suggestions are to be pursued, which are made to the king. 19. Concerning hawks found.

An. 38 Edw. III.—1. Confirmation of the Great Charter, the Charter of the Forest, and all statutes not repealed. 2. An act licensing all merchants to buy any merchandizes. 3. Fines shall be taken in the presence of the pledges. 4. Certain penal bonds in the third person shall be void. 5. Touching waging of law in London against papers. 6. The penalty of death put out for carrying wools over the sea. 7. The staple to be in England. 8. Ships not to be lost for a little thing therein not customed. 9. For punishment of them that make complaints to the king, and cannot prove them true. 10 and 11. For seeking wine in Gascoigne. 12. Against jurors, and imbracers of juries.

Other Statutes made in the same 38th Year. Stat. 2.—Statutes made against provisors, containing 4 Chapters.

An. 42 Edw. III.—1. Confirmation of the Great Charter, and the Charter of the Forest. 2. Confirmation of a pardon. 3. None to be put to answer, without presentment or other thing of record. 4. To whom commissions of inquiry shall be granted. 5. Concerning escheators. 6. Confirmation of the statute of labourers. 7. That they of London sell victual at retail, and none other. 8. That no English merchants go to seek wines in Gascoigne. 9. For levying of the green wax and estreats. 10. Children born beyond the sea within the king's dominions shall inherit lands in England. 11. For arraying of panells of inquests.

An. 43 Edw. III.—1. For the staple to be removed into England. 2. An act licensing English, Irish, and Welshmen, being not artificers, to buy wines in Gascoigne, notwithstanding the statute of 42 Edw. III. c. 8. 3. Against taking of wines by the king's butler. 4. The king's pardon.

An. 45 Edw. III.—1. Confirmation of the Great Charter, and the Charter of the Forest.

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2. For pulling down of wears, mills, and kiddles. 3. A prohibition shall be granted where a suit is commenced in the ecclesiastical court for *Sylva cædua*. 4. No imposition shall be laid upon wools and leather, other than the custom and subsidy.

*Rotulus Parliamenti*, An. 46 Edw. III.

An. 47 Edw. III.—1. For length and breadth of cloths. 2. The Scottish groat current for three pence.

An. 50 Edw. III.—1. Confirmation of the liberties of holy church. 2. Confirmation of the Great Charter, and the Charter of the Forest. 3. The king's pardon in his year of jubilee. 4. After consultation, no prohibition shall be awarded. 5. That no minister of holy church be arrested at divine service. 6. Gifts of lands or goods to defraud creditors shall be void. 7. That woollen cloths be not carried out of the realm till they be fulled. 8. That no subsidy, nor aulnage be levied of Irish freeze.

## RICHARD II.

Richard II. began his reign on the 21st of June, 1377, he being then 11 years of age. He was solemnly crowned at Westm. on the 16th July; and on the 4th of Aug. writs were issued out for the calling a parl. to meet 15 days after Michaelmas. The following is a correct

*List of Peers summoned to this Parliament.*

John king of Castile and Leon, duke of Lancaster, &c.
Edm. e. of Cambridge
Richard e. of Arundel
Thos. of Woodstock e. of Buckingham and constable of England
Edward Mortimer e. of March
Thos. Beauchamp e. of Warwick
Hugh e. of Stafford
Gilbert Umfreville e. of Angus
Wm. Ufford e. of Suffolk
Wm. Montacute e. of Salisbury
Henry Percy earl of Northumberland
John Mowbray earl of Nottingham.
Guischard e. of Huntingdon
Lord James Audley of Heleith
Lord Wm. Latimer
Lord Wm. Bardolfe of Wormegah
Lord Ralph Basset of Draiton
Lord Guy de Brian
Ld. R. de Beauchamp
Lord Rd. de Stafford
Lord John Grey of Codenore.
Ld. H. Grey of Wilton
Ld. R. Grey of Ruthin
Lord Nicholas Burnel
Lord Wm. le Zouch de Harringworth
Lord Roger Clifford
Lord Almaric de st. Amand
Lord John Bustort
Lord John Lovel
Lord Roger Scales
Lord Ralph Cornwal.
Ld. Mich. de la Pole, adm. of the northern sea ports
Lord Peter de Mauley
Ralph bar. Greystock
Ld Walter Fitz-Walter
Lord Walter Ferrars of Wemme
Lord Rob. Harrington
Lord Wm. Morley
Ld. Wm. de Furnival
Ld. Wm. de Aldburgh
Ld J. Cobham de Kent
Lord Hugh de Dacre
Ld. Rob. Willoughby
Lord John de Welles
Lord John de Clifton
Lord Roger le Strange de Knowley
Lord John de Clinton
Lord Gilbert Talbot
Ld. Wm. de Bortreaux
Ld. John de la Ware
Lord Henry Scrope
Ld. Jn. Nevile of Raby
Ld. J. Ferrars of Groby
Lord Thomas Roos of Hamlake
Ld Maurice de Berkley
Ld. John de Arundele
Lord Warrin de Lisle
Lord Henry Fitzhugh
Ld. Richard de Scroop
Lord Philip de Darcy
Edm. e. of Cambridge as lord warden of the cinque ports.

The cause of the summons was declared by the abp. of Canterbury, in a speech beginning with this text, *Rex tuus venit tibi*. Which subject, he divided into three parts, saying, "That for three causes every friend ought to be welcome to another: 1st. if he came to rejoice or be merry with his friend for any singular benefit or good hap that had befallen him; and therefore made use of this odd expression, for a male friend, *Et exultavit infans in utero ejus*. The next was, if the said friend came to comfort another in adversity, as is mentioned in the book of Job. And the last, for trying his friend in the time of adversity, according to the scripture, *In necessitate probabiter amicus*."—To this preface he applied, "That the king, their undoubted liege lord was now come unto them, not for one, but for all the three causes. For the 1st, to rejoice with them in the great Providence and grace of God, by sending his person amongst them; not by any collateral means, or election, but by special descent of inheritance; and for their good wills towards him, he was therefore come to give them thanks." For the 2nd, "To visit and comfort them in their necessities and adversities, he was also come, not only for the death of the noble king Edw. and the prince his son, but also for the great losses which they had sustained on the sea coasts, and elsewhere within the realm by their enemies. Whereunto, he now was come, not only to proffer himself in aid, but to confirm all their liberties; to maintain the laws and peace of the kingdom, and to redress all that was to the contrary." Thirdly, "To try or assay them, he was also come to advise and council with them for suppressing the enemy; and to require an aid of them, without which he could not perform the same. For all which reasons he desired them to consult together."

The next day, being again assembled, sir Rd. le Scroop, steward of the king's household, by the king's command, told the commons, "That he desired they would advise him which way his and the kingdom's enemies might be resisted, and how the expences of such resistance was to be born, with the greatest ease to the people, profit, and honour to the kingdom."—The commons, hereupon, prayed the king, "That for the great importance of the charge given them, in these declarations, and for the weakness of their abilities to advise the best, he would be pleased to let certain prelates and lords be joined with them in consultation on such weighty affairs, for the more speedy and happy dispatch of the business, wherewith they were charged." And named the duke of Lan-

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caster, the bps. of London, Ely, Rochester and Carlisle; the earls of March, Arundel, Warwick and Angus; the lord Nevile, sir Hy. de Scroop, sir Rd. le Scroop, and sir Rd. de Stafford; which was accordingly granted by the king in parliament.

[*Duke of Lancaster complains of the Commons.*] Upon this, the duke of Lancaster immediately arose from his place, and falling upon his knees before the king, humbly prayed his maj. to hear him a little in a weighty cause which greatly concerned himself, and said, "That though the commons had chosen him for one of the lords to commune with them on the matters in the charge, yet he desired his maj. to excuse him, for that the commons had spoken ill of him; urging, that he had committed manifest treason, if their report, which God forbid, was true. That he had been always careful to guard himself against any such imputations, as it was notoriously known that none of his ancestors, of one side or other, was ever a traitor, but always firm and loyal; and it was a marvellous thing he should deviate from the line, since he had more to lose than any other man in the kingdom. That if any man, of what estate and condition soever he was, should be so bold as to lay treason, or other disloyalty to his charge, or any other thing done by him prejudicial to the kingdom, he was ready to defend himself by his body, or otherwise, as the king and lords should award, as if he was the poorest knight batchelor of the realm."—The duke having ended his speech, the bps. and all the lords stood up, and with one voice prayed him, that he would leave off such discourses, for they thought no man living would say any such things of him. The commons also said, in their own defence, "That it was apparent and notorious they thought him free from all blame and defamation, and had given an evident proof of it in chusing him to be their principal aider, comforter, and counsellor in this parl. praying with one voice, to have themselves cleared from such reports."—The duke replied again, "That the words had been long, though falsely, spread about the kingdom; and that he wondered much how any man could or would begin, or continue such slanders, for the disgrace and danger that might from thence ensue. Because, the first inventor of such speeches, by which debate might arise between the king and the peers of the land, was a manifest traitor; since such debates might turn to the destruction of the whole kingdom. He therefore prayed that a good act, or ordinance, might be provided in this parl. and a just and speedy punishment assigned to all the inventors of such evil reports, for the preventing the danger of them for the time to come: and as to himself, he declared that for what was past all should be forgiven."

[*A Speaker chosen.*] After these altercations were thus ended, the commons proceeded to business; and sir Peter de la Mare, knight of the shire for Herefordshire, being chosen Speaker of the commons, and the first upon record, (see Cotton's Abridgment, p. 155), made a protestation and said, "That what he had to declare was from their whole body; and therefore required that if he should happen to speak any thing, without their consents, that it ought to be amended before his departure from the said place. He commended the feats of chivalry heretofore practised, for which this nation was so renowned; and said, that by the decay of the same, the honour of the realm did and would daily decrease. That whereas merchants were masters of their own ships, and had the free disposition of them, yet, formerly, one town had more good ships than the whole nation at this time." He therefore prayed that, "Because the king was of tender age, for the amendment of several errors in the government, and the preservation of the realm, which was at that time in greater danger than ever, the king and lords of parl. would consider, more especially, of three things:—1st. That they would in that parl. name and appoint 9 persons, of the different estates, to be continual counsellors to the king for the affairs of the realm, along with the king's other state officers; and that they might be such persons as best knew how to avert impending dangers, and would diligently attend to their charge, for the good govt. and preservation of the realm; and that the commons might have the names of those counsellors, who also might be the agents and directors of what money was to be given for the wars:—2nd. That they would please to name and appoint those that were to be about the king's person, who were to be men of virtuous and honest conversation, that they might educate him accordingly; and that the charge of the king's household might be borne by the revenues of the crown, so that what was granted to the wars might be expended that way only:—3rd. That the common law and other statutes and ordinances of the land might be observed, ratified, and confirmed, and the people governed by them; and that they might not be defeated by the singularity of any about the king, saving, however, in all things the regalities and dignity of the king, to which the commons would have no prejudice done any way by their demands."—The answer which was given to these petitions was, "That the prelates and lords would advise together," commanding the commons, in the mean while, to return to their place.

The 1st request of the commons being recited before the king and lords, was by them granted; yet so as the chancellor, treasurer, and keeper of the privy seal, justices of one bench and the other, and all others officers of the realm, might execute their offices, without the presence of those counsellors, who by advice of the lords were then appointed, being 9 in number, viz. the bps. of London, Carlisle, and Salisbury, the earls of March and Stafford, sir Rd. de Stafford, and sir H. Le Scroop, bants. sir John D'Evereux, and sir Hugh Segrave,

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knights bachelors; who being thus chosen in council for this year, were sworn before the king himself, to do what they were chosen for, in the presence of divers lords in parl. As to the 2nd request, the lords of parliament answered, "That it seemed to them for many causes too heavy and hard a request to place any person about the king, that should not be acceptable to him; or to remove any officer, or servant, if it were not by his express will, and for some notable fault to be proved against such officers and servants; wherefore the lords would not willingly meddle with these matters."—To the other part of this request, the lords answered, "That they would take good deliberation, and speak with the great officers of the king's household about it, and if by their advise it could be done, saving the state and honour of the king, what they desired should be performed."—As for the 3rd petition it seemed reasonable to all the lords that it should be granted.

[*A Subsidy granted.*] Then the lords and commons granted the king two 15ths without cities and boroughs, and two 10ths within cities and boroughs for two years; praying the king, that as well the money of the said 10ths and 15ths, as the 10ths granted by the clergy, and money of the subsidy of wool, might be in the keeping of special treasurers by his own appointment, which were Wm. Walworth and John Philpot, merchants of London, who were to give an account of their receipts and disbursements, in manner as the king and council should order.

[*Alice Pierce banished.*] In this parl. Alice Pierce, the late king's mistress, was brought before the lords, and accused of procuring a pardon for Rd. Lyon (who, in the 50th year of Edw. III. had been convicted of embezzling the public money) and other high crimes, of which, being found guilty, she was sentenced to be banished, and her estates confiscated. But with this proviso, "that this law, particularly made for the prevention of such odious things, should not be made use of, nor drawn into example, against any other person, or in any other case."

[*Petitions of the Commons.*] The following are the most remarkable petitions presented to the king.—The commons prayed, "That because the late king Edward was guided by evil counsellors, as had been authentickly proved, that they might be removed from all the king's councils; and that other fit persons might be put in their places; and further, that no officers of the king's court, great or small, do keep up quarrels or suits in the country by Maintenance, nor meddle with any thing, but what belongs to their office."—As to the 1st request, the king granted it; and as to the 2nd, touching Maintenance, he further inforced it, by strictly forbidding any counsellor, officer, or other servant, or others belonging to him, in the kingdom, to uphold any quarrel or suit by Maintenance, under pain of losing their offices and services, and to be imprisoned, and ransomed at the king's pleasure.—Another Petition was, "That during the king's minority, the chancellor, high treasurer, chief justices of one bench and the other, the chief baron of the exchequer, the steward and treasurer of the household, the chief chamberlain and clerk of the privy-seal, the wardens of the forests on this side Trent and beyond, might be made by parliament; and if it should happen, that any of these ministers or officers should be laid aside, between one parl. and another, that then another be put in his place, by the king's council, until the next parl. should meet. This Petition was likewise granted in part, that while the king was under age, the counsellors, chancellor, steward of the household, and chamberlain, should be all chosen by the lords in parl. saving always the estate and heritage of the earl of Oxford, to the office of chamberlain; and as to the other officers above named, the king should make them by the assent of his council. Then the citizens of London desired, "that upon the king's special grace, and for the enlargement of the Franchises of their city, if any article in the charter granted by him and his progenitors, to the said citizens, should prove difficult or doubtful, and might be taken in divers senses, that then the sense they claimed to have it in, should be allowed." To this the answer was, "that the interpretation of the king's charters belonged to him: and if any doubt arose thereupon, the king, by advice of his council, would make such interpretation, as should be according to reason and good faith." The commons prayed, further, "That a parl. might be holden in a convenient place once a year to redress delays in suits, and to end such causes wherein the judges were of different opinions." Answer, "The statutes made for that purpose shall be observed and kept; and as to the place where the parliament shall be holden the king will have the choice."

[*A new Parliament called.*] On the 16th of Feb. 1378, writs were issued out to call a new parl. to meet at Westminster on the 25th of April. At the day appointed, the duke of Lancaster, with several bps. and lords, came to the palace at Westm. and attended the king's coming for a long time; but some sheriffs having not yet made their returns, the parl. was adjourned to next day; and for the same reason, on that day, it was put off to the following. On which day, being April 27, sir Rd. le Scroop, lord chancellor, opened the session with a speech to this purport:—"1st. That the king desired the liberty of the church might be maintained. Next, that at the end of the last parl. his majesty, according to their request, had elected several lords and others to be of his continual council; but, by reason of the sudden breaking up of that parl. he was not advised what number they would have chosen of the latter. Yet, what were being sworn, they, with the lords consulted about the affairs of the realm, and the great danger it was in; and considering the great charges necessary to support it, they would not fully deter-



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mine without the advice of parl. However, they agreed to prepare a land army, and a navy of ships, and lent the king great sums of money to that purpose. Which navy and army his maj. had prepared, and by that means was become indebted to them, and to several good cities and towns for the same loan. Therefore he desired the lords and commons, separately, to weigh well the necessities of the nation, and to provide accordingly; and not to wonder at the sudden calling of this parl. considering that it was done for the king's honour and the safety of the realm." The chancellor concluded with saying, "That for the expences borne and to be borne, the treasurers of the same were ready, and should be ready, to exhibit their accounts."

[*A Poll-Tax granted.*] The lords and commons taking into consideration the alarming state of the nation, agreed that the mark laid upon every sack of wool, and the 6d. in the pound for all merchandize, which was given in the last parl. should be remitted; and in lieu thereof they granted the old subsidy on wool, as it was before that parl. for one year from Michaelmas next. They likewise granted a certain poll-tax, to be paid by persons of different sexes, ranks, estates, and degrees in the kingdom; which being a tax quite new, and the act itself expressing, very particularly, what sum each man or woman should pay, as well as the several qualities and conditions of the whole English nation, in those days, we shall give, at length, as translated from the original French in dr. Brady's Appendix.

"The dukes of Lancaster and Bretaigne, each 10 marks. Also, every earl of England, 4l. The countesses, who were widows, the same as the earls, 4l. Every baron, banneret, or knight, who had as good an estate as the barons, 40s. Every baroness, who is a widow, as a baron; and a banneress as a banneret, 40s. Every bachelor and every esq. who by estate ought to be made a knight, 20s. Every widow that was the wife of a bachelor, or esq. 20s. Every esq. of less estate, 4s. 7d. Every woman, widow of such an esq. or sufficient merchant, 6s. 8d. Every esq. without possessions, lands, rents or goods, that is in service, or bears arms, 3s. 3d. The chief prior of the hospital of st. John, as a baron, 40s. Every commander of the same order of England, as a batchelor, 20s. Every other brother, knight of the same order, 13s. 4d. All other brothers of the same order, as an esq. without possessions, 3s. 4d. Every justice, as well of the one bench, as of the other, and the chief baron of the exchequer, each, 100s. Every serjeant and great apprentice of the law, 40s. Other apprentices which follow the law, 20s. All other apprentices of less estate, and attorneys, each 6s. 8d. The mayor of London shall pay as an earl, 4l. The aldermen of London, each as a baron, 40s. All other mayors of great towns in England, each as a baron, 40s. Other mayors of smaller towns, according to the value of their estate, 20s. 10s. or 6s. 8d. And all jurats of good towns, and great merchants of the realm, shall pay as bachelors, each, 20s. Other sufficient merchants, 8s. 4d. All lesser merchants, and artificers, husbandmen, or who live upon tillage according to the value of their estate, 4s. 8d. 3s. 4d. 2s. 12d. or 6d. Every serjeant and freeman of the country, according to their estate, 6s. 8d. or 40d. The farmers of manors, parsonages and granges, merchants of beasts, and other buyers and sellers, according to their estate, 6s. 8d. 40d. 2s. or 12d. All advocates, notaries, and proctors, who are married, shall pay as serjeants of the law, and apprentices of the law, and attorneys, each according to their estate, 40s. 20s. or 6s. 8d. Apparitors that are married, according to their estate, 3s. 4d. 2s. or 12d. All inn-keepers that have not the estate of a merchant, shall pay according to his estate, 40d. 2s. or 12d. Every married man, for himself and his wife, that have not the estates above-named, and above the age of 16, except very beggars, 4d. And every man and woman unmarried, of such an estate, and above the age aforesaid, 4d. Also every strange merchant, of what condition soever, shall pay according to his ability, as other denizens." Walsingham and Knyghton also tell us, that the clergy were not exempt from this tax, but, according to their own custom, taxed themselves very high, viz. every abp. bp. and mitred abbot as much as a baron; every abbot was to pay 40d. for each monk in his monastery; and the beneficed clergy 6s. 8d.

[*A new Parliament called.*] Another parl. was summoned to meet on the 20th of Oct. 1378 at Gloucester; but though this parl. met on the day appointed, yet no business was begun till the day following. When, being all assembled, the king with his three uncles, of Lancaster, Cambridge and Buckingham, the two abps. prelates, lords and commons, in the great hall of the abbey of Gloucester; dr. Houghton, bp. of st. David's, then lord chanc. declared the cause of the summons to be;—"1st, for the liberties of the church, the maintenance of the laws and observations of the peace; 2nd, because it had been enacted, that a parl. should be holden once a year; 3rd, because that his maj. desired to see and consult with so honourable an assembly, as was there gathered in God's name, and he commended unity and concord amongst them according to the resemblance of the church. Another great cause was, that the king, being left in the midst of great wars, could neither endure nor maintain the same without their aid and assistance. That since the great mischief and damage done by the Scots, about Roxborough, though the truce still subsisted, they had allied themselves with France against England, in order to annoy us. All which required their utmost consideration to prevent. He reminded them of two evils, 1st, that the law of the land and the law of arms do not concur together; and with certain similitudes required them, of those two laws, to make a

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relative, so as each may stand with the other. The next was to provide a remedy against slanderers, and sowers of discord between nobles, gentlemen and neighbours; which kind of men he resembled to dogs that devour raw flesh, since they eat and consume living men. For all which enormities he wished them to seek redress; and to be there the next day by eight o'clock, to hear further declarations; and directed the commons to consult in the chapter-house of the abbey aforesaid." The next day sir Rd. le Scroope, then steward of the household, enlarged upon the causes of calling this parl. and, excusing his own inability, told the prelates, lords and commons, "That the nation was encompassed with enemies, which daily encreased. That the ports of Cherburgh and Brest, which of a long time had been in the hands of the English, besides Calais, Bourdeaux and Bayonne, with the adjacent territories, were very chargeable to maintain, since Calais, with its marches all limits about it, cost the king 24,000l. every year, Brest 12,000 marks, and the other 3 places according to the same rate."

[*A Speaker chosen.*] We now come to the second instance on record, where a Speaker of the house of commons is expressly named as such, and recognized by the king in somewhat the same form as is done at this day. For immediately after the lord chanc. and sir Rd. le Scroop had ended their harangues, sir Js. Pickering, having been elected Speaker of the house of commons, came with the whole body of them before the king, prelates and lords, in parl. and there made protestation, as well for the whole commons of England, as for himself, to this effect:—"First, if he should utter any thing to the prejudice, damage, slander or disgrace of the king or his crown, or in lessening the honour or estates of the great lords, it might not be taken notice of by the king; and that the lords would pass it by, as if nothing had been said; for the commons highly desired to maintain the honour and estate of the king, and the rights of the crown; as also to preserve the reverence due to the lords in all points. Then, as for his own person, he made protestation, that if by indiscretion he spoke any thing by common assent of his fellow members, it might, either then or afterwards, be amended by them." He then rehearsed, briefly, the articles given them in charge: "And first, as to the liberties and franchises granted to holy church, and for the king's promise of entirely preserving the good laws and customs of his kingdom, and punishing such as should act against them; the commons humbly thanked him with their whole hearts, kneeling upon the ground, and praying God they might be put in due execution. That, as to the aid the king demanded of his commons for the defence and safety of his kingdom, and for the safeguard of his lordships, lands, towns and forts beyond sea, and toward his wars, the commons said, that in the last parl. in his first year, the same things were shewn unto them in behalf of the king, at which time they answered, it was apparent the king had not so great need for an aid, seeing he had in his hands the priories alien, the subsidies of wool, the revenues of the crown, the lands of the prince his father, and many other great lordships, by the non-age of the heirs of them; and that therefore they still conceived there must be great plenty of money in the treasury." To this the king's council in parl. then answered, "That the late charge of the coronation had been very great, and that the money upon those funds they mentioned came in very slowly, nor could they be collected soon enough for an expedition that year; and it was then further proposed, that if the commons would furnish the king with a great sum of money to make such an expedition as might be for the destruction of his enemies, they (the council) hoped he might have money sufficient hereafter from time to time to maintain the war, and defend the kingdom without them." To this the commons replied, "that in hopes of that promise to be discharged of all tallages for a long time, they had granted a greater sum than had ever been given to any king to be levied in so short a time; and that all things considered, it seemed to the commons that there must needs be a great sum in the treasury, besides what had been expended in the last voyage; so that the king had no need to charge the commons, who were in a lower condition than ever, by reason of that payment, and also by the murrain among their cattle, and their enemy's burnings and depredations upon the sea-coasts; that their corn and cattle were at so low a rate, that no money could be raised at present; whereupon they prayed the king to excuse them, as not being able to bear any further charge of mere poverty." To all which sir Rd. le Scroop replied, by making protestation, "that he knew of no such promise made by the king in the last parl. and, saving the honour and reverence due to the king and lords, what the commons said was not true; and as to the subsidy last granted, that a great part of it was still in the treasury; to wit, of the two 15ths and two 10ths; but as to the wool that had been given in that parl. he vouched the testimony of Wm. Walworth and John Philpot, who by their consent were appointed receivers of the same, that every penny thereof was expended upon the war, and that none of it came to the high treasurer of England, or any other, to the use of the king: that the revenues of the crown, considering the annuities and other charges upon them, granted by his father and grandfather, were so small, that without the customs of wool, and lands of the priors aliens, the honour and estate of the king could not be maintained; and therefore they were to know, that according to reason they ought to relinquish their complaint." Whereupon the commons, after a short deliberation, made it their request to the king, "that he would please to shew them how, and in what manner, the great sums given for the war had been expended; and also that

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he would please to let them know the names of such as should be the great officers of the kingdom, and who were to be his counsellors and governors of his person (being yet of tender age) for the next year, as it had been before ordained in parl." To which it was answered on behalf of the king, by the said sir Richard, "that though there never was any account yet given of subsidies, or any other grants made in parl. or out of parl. to the commons, or any other, but to the king and his officers; yet that the king willed and commanded of his own motion, to please the commons, (not that it was of right for him so to do, or that he was obliged to it, only by reason of their request now made,) that William Walworth then present, with some of his council, assigned thereunto by him, should in writing clearly shew them the receipts and expences, so as it should not be drawn into an example for the future. As to the officers, the king had caused them to be chosen by the advice of the lords; and as to his counsellors, they should be such as pleased him, whose names he would shortly give them in writing. That the king not only commanded them, but all the lords there present desired, that having due consideration of the great and apparent dangers on all sides, they would provide for the defence of the kingdom; which not only concerned the king, but all and every one of them, and therefore to consider how the war might be maintained; and that they would give as speedy an answer as they could, that the parl. might have an end, and good effect; for the ease of the king, the lords, and themselves, as also for the profit of the kingdom, and discharge of the poor commons, that every day paid their expences during the parl." This was one of the principal charges given the first day: another was, "that if any fault was found in any part of the kingdom or government, in the laws or any other manner, that they would bring in their petitions concerning it, and they should have due remedy,"

[*Petitions of the Commons.*] Then the commons desired "to have a time limited to bring in their common bills or petitions, and that it might be prolonged to the feast of All-Souls next coming." Also the commons prayed the king "to have a copy of the enrolment of the subsidy of 15ths and 10ths, as they had been entered upon the roll of parl. for them to advise upon:" and this was granted at the king's pleasure, and not upon their request. They prayed likewise, "that 5 or 6 prelates and lords might come to the commons, to treat with them about their charge;" but the lords answered, "they neither ought nor would do it in that manner, which had never been seen but in the three last parliaments; for the custom was for the lords to choose a small number of 6 or 10, and the commons as many of themselves, to treat together without noise; and then report what they had done to their companions, of one part, and the other; and according to this method the lords would act, and no otherwise." To this the commons assented, to proceed as had anciently been used.

After the commons had seen and examined the enrolment, receipts, and expences, they were well satisfied with them, as being honourable for the king and kingdom; and only said, "that 46,000*l.* which was expended in keeping several countries, places, and fortresses, as the marshes of Calais, Brest, and Cherburgh, Gascoigny, and Ireland, was not to be charged upon them; nor, as it seemed to them, were they bound to bear any foreign charge." To which it was answered by the king's council, "that Gascoigny and the forts beyond sea were barbicans, and as it were out-works and defences to England; and if they were well guarded, and the sea well kept, the kingdom would be quiet, otherwise it could not be so." The commons then proposed, "that this charge be defrayed by the goods and estate of Edw. III. which the king possessed, and was much enriched by it." Whereto it was answered, "that those goods were justly appraised, and delivered to those his grandfather was indebted, except some necessaries reserved for his own house, for which he had paid in part, and was to pay in whole for the satisfaction of his creditors:" and therefore the king commanded, and the prelates and lords prayed them, as they had done before, "to advise about their charge, and give good and effectual answers thereunto, with as much haste as might be, for the common profit of the kingdom, and ease of the lords and themselves."

[*A Subsidy granted.*] At length, notwithstanding all these excuses, the prelates, lords, and commons, perceiving the great perils wherewith the land was encompassed, and the great and extraordinary expences the king was to be at for the safety and defence thereof, agreed and granted the king the former subsidy of wool, leather, and wool-fells for 3 years, viz. of wool 43s. 4d. the sack, and of wool-fells as much, that is, for every 240 of each, accounting six score to the 100; as also for leather, 4*l.* 6s. 8d. on every last which should be exported by denizens and strangers, besides the ancient custom; and as an additional grant, they gave 13s. 4d. more for every sack of wool; as much for every 240 wool-fells; and for every last of leather 1*l.* 6s. 8d. Also they gave 6d. in the lb. for every lb. value of merchandise, as well of denizens as strangers, both imported and exported for one year. And then the parl. was dissolved.

[*A new Parliament called.*] Writs were issued for a new parliament to meet at Westm. on the 14th of Jan. 1379; but several sheriffs not having returned their writs, an adjournment took place till the next day. On which the king, bps. lords, and commons being assembled in the Painted Chamber, the lord chancellor sir Rd. le Scroop, by the king's command, declared the cause of the summons to this effect:—"1st. For the liberties of the

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church, the maintenance of laws, and preservation of the peace:—2nd. because the regality of the king's crown was much impaired, in several instances, as well by the court of Rome as otherwise; and therefore the provisions made for supporting it ought to be well observed, and other remedies provided for that purpose:—3rd. to consult how to resist, not only the enemies of France, Spain, and Scotland, who had raised hot wars against us, but also to suppress the rebels of Ireland and Gascoigny, and how to defend the king's dominions beyond sea. All which, because they could not be accomplished without their aid, he desired they would consult about and advise accordingly." He further told them, "That the grant made by them at Gloucester of the new increase of wools, and 6d. in the pound on merchandize, which had been revoked in the next parl. on the grant of the Poll-Tax, and which was promised to be able to raise 20,000 armed men, and as many archers had fallen short; for the charge of those soldiers came to 50,000 l. besides other expences there declared, for all which the king stood indebted; whereof he willed them to have due consideration." Lastly, he added, "That the lords of the Great Council were ready to lay before them the receipts of the last subsidial grants, and the disbursements of the same."

[*A Speaker chosen.*] After appointing receivers and tryers of Petitions as usual, the commons adjourned to their place; and soon after returned into parl. with sir John Gildersburgh, kt. whom they had chosen Speaker, who, making the usual protestation first, "prayed that the prelates and other lords of the king's standing council might be discharged, and none such for the future be retained; because they said, that now the king was of good discretion, in respect of his age, which was the same with his grandfather's, at his coronation; who then had no other councellors, but the five principal officers of his realm. Praying, also, that those five officers, viz. the chancellor, the treasurer, keeper of the privy-seal, chief chamberlain, and steward of the household, might not be renewed or changed until the next parl. They likewise prayed that a commission might be issued out to certain persons to survey and examine, in all his courts and palaces, the state of the king's household, the expences and receipts in all the offices, &c." This last was granted, and a commission was made out to the earls of Arundele, Warwick, and Stafford; the lords Latimer, Brian, and Montacute, with John Haistings, John Gildersburgh, and Edw. Dalyngrugge, knights; Wm. Walworth and John Philpot, citizens of London, and Thomas Graa, citizen of York, with others, to execute and report the same.

[*A Supply granted.*] The lords and commons together, "considering that the king and kingdom was surrounded with enemies, who with great force endeavoured all they could, as well by sea as land, to destroy them both, and even to extinguish the English language. Therefore, for the defence and safety of the kingdom, and for the good success of the expedition ordered into Britanny, and the destruction of the said enemies, they freely granted to the king one 15th and a half, without the cities and burghs, and one 10th and a half within those places. With this prayer, that this subsidy, and what was remaining of the other, given last parl. might be only applied for the expedition into Britanny, and no where else."—"Considering also that the subsidy on wools, leather and wool-fells, was to end at Michaelmas next; and that from thence the king would not be able to support the great charge of carrying on the war in the marches of Calais, Brest, Cherburgh, in Gascoigny, in Ireland, and in the marches of Scotland, they granted the same subsidies, from the time they were to end at, until the Michaelmas twelve month. And, withal, praying the king that there might not be another parl. called, to charge his poor commons till a year after that time."

Mr. Tyrrel has observed, in the Records, a remarkable transaction done in this parl. omitted by dr. Brady, which was this, "that when the king and both houses resolved to enlarge the powers of the justices of peace, the prelates and clergy, in their convocation, made an express protestation against it, that it had not, or ever should pass, with their consents." The answer the king gave to this, was, 'That he would not forbear, for their protestations, to make his justices as he was wont, and by his coronation oath was obliged to do.' From whence that author observes 'that the clergy assembled in convocation, were not then looked upon as a distinct estate of parl. as some men, without any just grounds have supposed.' (See Tyrrel's Hist. of Eng. vol. iii. p. 851.)—We shall take our leave of this parl. with observing, that now sir Rd. le Scroop, for what reason is not mentioned, surrendered his office of chancellorship, and Simon Sudbury, abp. of Canterbury was put in his place; which was then looked upon as a degradation to his archiepiscopal dignity.

[*A new Parliament called.*] In 1380, writs were issued out to summon a parl. to meet the day after the Feast of All-Saints, at Northampton. At the time appointed it was, as usual, adjourned for some days, because that again the continual rains had made the roads almost unpassable; when, at last, being all met that could come (for several lords were with the duke of Lancaster, on the Scotch borders) in a chamber belonging to the priory of st. Andrew, in Northampton, the abp. of Canterbury, as chancellor, declared the cause of their meeting, and said, "That they could not be ignorant that the earl of Buckingham had been sent into France, with an army which had cost the king more money than was given him by the last parl. Besides, the late expedition into Scotland, the defence of Guienne, and the charges he had been at in Ireland, had put the king under such great necessities, that he had

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been forced to pawn his jewels; the subsidy on wools raising very little, because of the present disturbance in Flanders. That the soldiers in the marches of Calais, Brest, and Cherburgh, were in arrear more than 3 months, and it was feared they might desert for want of their pay. That they were to consider the king was very much in debt, and was bound by covenant and indenture to pay the earl of Buckingham, with others concerned in that expedition, for another half year, now nearly ended; and that the king was also at a very great charge in guarding the coasts. Lastly, he desired them to advise the king how these expences were to be born, with the most ease to his subjects; and how the kingdom might be best defended against all its enemies, both by sea and land, in as short a time as possible."

[*Debate upon raising a Supply.*] The commons took only one day to treat about these affairs, and then returned to the house of lords, where, in the presence of the king, prelates, and peers, sir John Gildersburgh, again their Speaker, "demanded a more clear declaration of what had been said to them; and, especially, what sum was demanded to support the charge; praying, that no more might be required than was necessary, because the commons were poor, and little able to bear so great a charge any longer." Whereupon, a schedule was delivered in, by the king's great officers and council, containing the sums necessary, which amounted to 160,000l. sterling. The commons replied, "That they thought the sum was too much, and, really, insupportable; and prayed that no more might be demanded than what was absolutely necessary for the causes set forth. And, farther, desired the prelates and lords would treat by themselves about the matter, and propound the ways by which any reasonable sum might be levied and collected." The lords took time to consult about this affair, and, when they were agreed, they ordered the commons to come before them, and told them what they resolved upon; "1st, that a certain sum of so many Groats might be paid by every person in the kingdom, both males and females, the more able to help the less. 2ndly, If that was not agreeable; to have an imposition upon all manner of merchandizes, bought and sold within the realm, for a certain time, every time they should be sold, to be paid by the vender. And, 3rdly, their advice was to raise a certain sum, by 10ths and 15ths; but because the last method was grievous to the poor commons, and that they could not know what sum it would raise, nor in what time the other ways could be expedited, therefore the lords thought proper to pitch upon the Groats; and proposed 4 or 5 to be levied upon every person, as above, this way of tallage seeming to them the best and most easy to the subject."

The commons, after debating a long time about the manner of this levy, came into full parl. and made protestation, "That they came not to grant any thing that day; but they said, that if the Clergy would support a third part of the charge, they would grant 100,000l. to be raised by a certain number of groats, so that the clergy would raise 50,000l. which was but reasonable, for that they possessed a third part of the kingdom; and prayed the king and lords to move it to them speedily, to agree to this proposal." To which the prelates replied, "That their grants were never made in parl. nor ought to be: that the laymen neither could nor should constrain them in that case; and claimed the Liberty of the Church, which before that time they had ever enjoyed. They desired that the Commons might be enjoined to do what they ought and were bound to do; as for themselves, they would act, under the present necessities, as they had done before."

[*A Capitation Tax granted.*] At last the lords and commons agreed upon a Capitation-Tax, which was to be three groats of every person of the kingdom, male or female, of the age of 15, of what state and condition soever, except beggars; the sufficient people in every town to contribute to the assistance of the less able; so as none paid above 60 groats, including himself and his wife. It was further enacted, "That no knight, citizen, or burgess of this parl. should be collector of this money, but that the king should appoint such as should equally levy it, according to the meaning of the grant, throughout the kingdom." Our oldest English Chronicles call this tax a 'new and a strange subsidy:' Hollingshead writes, that 'great grudging, and many a bitter curse followed on the levying this money, and much mischief rose thereof as after did appear.' We may reasonably suppose that no common reader of English history is unacquainted with the history of this rebellion and its tragical consequences; Walsingham and Knyghton, both living at that time, are very particular in their relation of it; to whom, or their copiers, we must refer.

[*A new Parliament called.*] The Rebellion being at length suppressed, the king thought proper to send out writs, dated July 16, for a parl. to meet at Westm. on the 14th of Sep. following. It was afterwards prorogued to the day after All-Souls; and by reason of a quarrel which had happened between the duke of Lancaster and the earl of Northumberland, who came to parl. with each a great retinue of armed followers, it was further adjourned till the king could make up the difference, which was happily ended, a few days after, by causing the earl to ask the duke's pardon. On the meeting Wm. Courtney, elect abp. of Canterbury, and now chanc. of England, declared the cause of the summons, and took for his theam, "*Rex convenire fecit consilium.*" He applied his text to the good and virtuous government of the king, during his reign: affirming, "That no reign could long endure, if vice reigned in it; to redress which this parl. was called, since the laws now in being were not able to do it." And, after the usual form for receiving petitions was settled, the chanc. told

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them that this being Saturday, the cause of their meeting should be more specially declared to them on the Monday next. On which day the commons were called over by their names, in the white-chamber at Westm. when sir Hugh Segrave, treasurer of England, by the king's command, reminded them of the abp's. oration, and said, "That the chief cause of their summons was; first, to take care of the church's liberties and to provide for the maintenance of the peace; and, especially, to punish the authors of the late horrible tumults and rebellion made against the king, who had been forced to grant to the rebels Charters of Liberty and Manumission, who were only bond-tenants and villains of the realm, under the great seal of England. Which the king knowing to be done against law, desired them to seek remedy and provide for the confirmation or revocation thereof." Lastly, he said, "The king was much in debt, and in great want of money to maintain his court and the wars."

[*A Speaker chosen.*] The commons retiring to their accustomed place, the Chapter-House of Westm. abbey, chose sir Rd. Walsgrave, kt. their Speaker; and returning with him into parl. the said sir Rd. desired to be excused and discharged from the office; but the king insisting, upon his allegiance, that he should stand "as being chosen by his companions," he made the usual protestation. This is the first instance of a Speaker pleading to be excused. Afterwards the lords and commons, together, came, unanimously, to this resolution, "That all grants of liberties and manumission to the said villains and bond-tenants, obtained by force, were in disherison of them, the lords and commons, and destruction of the realm; and therefore null and void." The commons, also petitioned the king, "That since the rest of the charge was for matters which highly concerned the state of the realm, they might have certain bps. and lords to consult with them, since they thought their advice would be very much to the purpose." The answer was, "That they should give in the names to the king in writing, of such as they desired, that he might advise about it;" which was done, and the king granted their desire. And the commons further prayed the king, "That the prelates by themselves, the lords temporal by themselves, the knights by themselves, the judges by themselves, and all other estates singly, might be ordered to treat about their charge; and that their advice might be reported to the commons." To which it was answered, "That the king had charged the lords, and other sages, to commune diligently upon the said matters; but the ancient custom and form of parl. had always been, that the commons should first report their advice, upon the matters given them in charge to the king and lords of parl. and not on the contrary; and therefore the king would, that the ancient and good customs and form of parl. should be kept and observed."

[*The Commons complain of Abuses in the Government.*] After the commons had conferred with the lords, they returned into the parliament, "and made great complaint of the government of the realm, which, if not amended, the kingdom would be in a short time ruined: they complained also of the government about the king's person, his court, the excessive number of his servants; of the abuses in the chancery, king's bench, common pleas, exchequer; and of grievous oppressions in the country, by the great multitude of maintainers of quarrels, who behaved themselves like kings in the country, so as there was very little law, or right; and of other things, which they said were the cause of the late commotions, and mischiefs of the land, and requested they might be amended." The king, by advice of the lords and his council, granted, "that certain prelates, lords, and others, should survey and examine the government of his person and court, and to think of sufficient remedies." The persons chosen to make this inquiry were, the duke of Lancaster, the abp. elect of Canterbury, the abp. of York, the bps. of Winchester, Ely, Exeter, and Rochester; the earls of Arundele, Warwick, Stafford, Suffolk, and Salisbury; the lords Zouch, Nevil, Grey of Ruthin, and Fitz-Walter; sir R. le Scroop, sir Guy de Brian and others. The king's confessor was charged to abstain from coming to, or remaining at court, at the request of the commons, and assent of the lords, being one, as was then supposed, that gave the king ill advice.

[*Petitions of the Commons.*] Then follow certain Petitions of the Commons, though their answers are not set down.—First, they petition the duke of Lancaster, and others, assigned by the king for that purpose, "To place the most discreet and valuable officers about the king's person, and his court; to appoint a chancellor, barons and officers in the exchequer, judges of one bench and the other; that they might know their names, and what they were to do, and the method they were to take in the regulation of the realm, after these things were done."—They also petition, "That an end might be made of the war, which was in great part maintained by the goods that the enemies of the nation took, by sea and land, from the English, to the great dishonour of the government, and nation, and destruction of the whole realm."—They likewise petition, "That certain of the chief clerks in chancery, certain justices, barons of the exchequer, and others learned in the law, might consult of the grievances above; and that certain merchants might declare the causes of the low prices of our commodities, the carrying over our money, washing and clipping thereof."

Then the Commons brought into parl. a draught, containing 3 articles, for as many sorts of pardons, if the king would please to grant them. The 1st was, for the lords, gentlemen, &c. that in resistance of the rioters and traitors caused some of them to be slain, without due process of law. The 2nd, to ap-

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pease and quiet the minds of the common people, concerning all treasons and felonies committed in the late riots and tumults. This was granted, with some exceptions, provided that such as received damages and losses by these insurrections, should not by this pardon be fore-closed from recovering any recompence by due course of law. The 3d was, for the good people that kept themselves in peace, and were no ways consenting to the said tumults and insurrections, yet were some ways concerned by favouring or receiving the rebels.—This business of the pardons being over, the Commons made a rehearsal of their requests and grievances, which they would have amended: and desired to have a view of what was done in that matter, which the king then did not immediately answer, but told them, "He had been at great expence in quieting the nation of the late tumults, and otherwise, as was declared to them before by his officers; and that he was to be at further great expences, by reason of the queen's coming over, her marriage, and coronation, which were suddenly to be celebrated; also in guarding the seas, and keeping his fortresses abroad, and for defence of the realm at home; for the discharge of which debts, and the supply of his expences, he had nothing in his treasury." To which the Commons answered, "That considering the evil hearts and rancour of the people through the whole realm, they neither durst nor would grant any manner of tallage." They also desired the parl. might be adjourned till after Christmas, which was granted; and then they also desired again, to know the extent of his grace and favour in pardoning. To which the king replied, "That it was not the custom of parl. to have a general pardon, and such favour from the king, when the Commons would not grant him any thing;" and told them, "he would advise further of his grace and pardon, until they should do what belonged to them:" and said moreover, "it was customary to grant pardons the last day of the parl. when he answered their supplications and petitions in writing." Hereupon the commons came into full parl. before the lords, saying, "They had advised and considered the great charge of the king, as well here as beyond sea;" and then the prelates, lords and commons, continued the subsidy of wool, leather, and wool-fells, until Candlemas next ensuing, as it was last granted. Whereupon the king ordered a declaration to be made of his grace and pardon.

In this parl. great complaints were made against the mayor, bailiffs, and people of the town of Cambridge, for their actions against the university in the late tumults; and the said officers being summoned to appear before the king and his council in parl. they appeared and denied the matters of fact; which being proved, they submitted themselves to the king's mercy. Whereupon, their franchises being given up, some of them were granted to the university: and the residue the king granted again to the town.

The parl. was then adjourned to the latter end of Jan. 1382, on account of Christmas being near, and the young king's going to be married to Ann, sister to the emperor of Germany and king of Bohemia: and it was ordered, that all pleas, causes, and other matters moved in this parl. with all other things, should remain undetermined to that time. Being met, the first thing the parl. went upon was, to take into consideration a proposal made by the duke of Lancaster, to make another expedition into Portugal, if the parl. would allow him 60,000l. to pay the wages of 2000 men at arms, and 2000 archers, for half a year. The duke's reasons for this 2d expedition into Portugal, were, "For the saving such English soldiers as were still there; for the recovery of his own right in Spain; and, also, for the safeguard of the sea, preservation of the realm of England, and the destruction of her enemies. Offering to repay the sum stipulated in 3 years, either in money, or by some acceptable service." This demand occasioned a long debate amongst the lords, some approving of the reasons, and others not; but the latter were the majority at this time.

[*A Subsidy granted for the Assistance of the Portuguese.*] On the 25th of Feb. the lords and commons resolved, "That, considering the king's great necessities, and the number and strength of his enemies, both at sea and land, with the great expences he must be at for the defence of the kingdom, against such force, they would of their own free-will grant to the king the subsidy on wool, wool-fells, and leather, as it was in the last grant, from that very day to the feast of st. John Baptist next coming; and from thence for 4 years more. Whether such armaments should be made use of in the voyage of the lord of Lancaster into Spain, or in any other manner. But with this express protestation of the commons, that it was not their intention to be obliged by any words in this grant to quarrel or have a war with Spain, but they only gave it for the defence of the kingdom, and resistance of its enemies; as it should seem best to the whole house of lords to advise and ordain about it."

In this parl. sir Rd. le Scroop, a man of known judgment, learning and integrity, was again appointed lord chanc. But very soon after its dissolution, by the instigation of some courtiers, who were but inferior officers to the king, because sir Rd. would not pass some large grants of estates to them, which had escheated to the crown, the seals were taken from him, and given to Rob. Braybroke, bp. of London. At this time, also, were made several Statutes concerning Strangers being admitted to buy and sell commodities in their own names, without any hindrance of the English merchants; likewise, for the forbidding of furs, and regulating the excess of apparel in inferior people; to settle the price of wines, and many other matters.

[*A new Parl. called.*] In the same year, 1382, another parl. was summoned to meet at Westm. about Michaelmas; when the king and

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lords being met in the Painted Chamber, the names of the knights, citizens and burgesses were called over before them. After which, the bp. of London, as chanc. opened the cause of their meeting to be, "For the better defence of the nation against its enemies, and to provide means for that purpose." Dr. John Gilbert, bp. of Hereford, by the king's command, further explained the cause of summons; and proposed two ways to deal with the enemies of the kingdom, one by making use of the Flemings, who offered their service, against them; and the other to close with the offer of the duke of Lancaster, made in the last parl. who now had reduced his demand, for the support of his army from 60 to 43,000l. These matters being of so high a nature the commons, as usual, made their request to the lords to have such as they named to consult with them about the charge, which was granted, and the names of the lords entered upon the roll. After a conference between the lords and commons they granted the king a 10th and a 15th, "by reason," as they said, "of the great danger the nation was in from the mighty preparations of the French king against them; to be employed as the king, by the advice of his council, and the lords of the realm, should think fit. Then the duke of Lancaster's proposal came again into consideration, and the question was put to every particular prelate, earl, baron, and baneret, "Whether they thought his voyage into Spain, with the number of forces proposed, would be for the service of the king and realm, or not?" It was agreed, "That it might be so, only they believed the force too small to be employed against so great a kingdom."

[*Statute of Heresy.*] A religious affair of some consequence to the church of England, as then established, came before this parl. In the last session there was an act passed, which is now in our statute books, entitled, 'An act to commission sheriffs to apprehend preachers of heresy, and their abettors, reciting the enormities ensuing the preaching of heresies.' This statute had been surreptitiously obtained by the clergy, and had the formality of an inrolment without the consent of the commons. In this parl. therefore, that body justly complained, and humbly petitioned the king, that "Forasmuch as that statute was made without their consents, and never authorized by them; and as it never was their meaning to bind themselves, or their successors, to the prelates, no more than their ancestors had done before them, they prayed the aforesaid statute might be repealed, and it was done accordingly." But, by the artifice of the bps. even this act of repeal was suppressed; and prosecutions carried on, by virtue of the former, which is the reason that the other is not to be found in the statute books.

[*A Parliament called.*] About this time a rebellion broke out in Flanders. The Flemings had driven their earl out of his country; he applies himself to the king of France, as his sovereign lord, and they crave the like assistance from the king of England. The French king marched an army into Flanders, and subdued a great part of that country, and the earl laid siege to Ghent, which was the head of the rebellion, and in great danger of being taken. To prevent this, and to stop the progress of the French king's arms in Flanders, his preparations to besiege Calais, and his further designs against England itself, another parl. was called to meet at Westm. about the middle of Lent, 1383. The above causes were expressed in the summons; and when met, the bp. of London declared further, "That the king had offered to go over in person with a royal army; but having since received the news, that the French king had over-run all Flanders, except Ghent, therefore this parl. was called for their advice, whether the king should go, in person, to the relief of that town; and, if so, how to provide for such an undertaking." The commons consulted together, 2 or 3 days on the business of their charge; but finding it, as they said, so great and so highly affecting the king's person, they prayed his majesty to grant them certain lords, all named by themselves, to treat with them about it. The prelates and peers desired, were, the abp. of Canterbury, the bps. of Ely and Hereford, the earls of Cambridge, Stafford, and Northumberland, the lords Nevile, Fitz-Walter and Cobham, which was granted by the king, "although," as the record mentions, "it was, is, and, ought to be, in the election of the king to assign such bps. and lords, as he should think fit, or others of his own proper nomination."

[*A Speaker chosen.*] When this committee of lords had consulted with the commons for some time, the latter appeared before the king and the whole house of peers, and, by sir J. Pickering their Speaker, declared that, "the king's passage and the ordering of his voyage, or any other great voyage belonged not to them, but to the king himself and lords of his council; yet, by way of advice, considering what troubles were in the land; that the truce with the Scots was near expiring, and they were raising great forces near the borders; and it being doubtful whether they would now comply with any proposals of peace or truce, unless driven to it; therefore they thought that neither the king, nor any of his 3 uncles of Lancaster, Cambridge or Buckingham, could be spared out of the kingdom, until that and the borders aforesaid was well quieted and settled. They rather advised him to accept of a proposal made by the bp. of Norwich of raising 3000 men at arms and 3000 archers well mounted, with whom he purposed to relieve Ghent, reduce Flanders, and afterwards to carry the war into France; provided he was allowed the 15th, granted by the laity and clergy, with the 2s. a tun upon wine, and 6d. in the pound upon merchandize for the guard of the sea."

[*The Commons petition the King to regulate*



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*his Household, &c.*] The commons, also, prayed the king, "That for his honour and profit, with the quiet and comfort of themselves, of his great grace he would please to command, that certain lords might be assigned to be about his person, out of the most wise, honest and discreet persons in the kingdom, to advise and counsel him; and further, that he would please, by the advice of the lords, so to order his household, that he might live on the revenues of the crown; and that the subsidy on wool, with the money arising from marriages and escheats, might be wholly employed to support the war." The king answered, "That he would take such sufficient persons, lords and others, about his own person as appeared to him most for his honour and profit; and as to the government of his house it should be done by the advice of the lords and others of his council, as, saving his honour, should seem best to them."

[*The Papal Chair in contest.*] The proposal of the bp. of Norwich, mentioned above, was on an extraordinary occasion, and deserves our notice. At that time there was a great schism in holy church, two popes having been elected, and each supported by different nations and factions. One of them, who called himself Urban VI. had sent bulls into England for a crusade, to sign all with the cross that would go with him into France, for the destruction of the Antipope, who, also, stiled himself Clement XI. By virtue of these bulls, sent to the bp. of Norwich, and by him published all over England, that prelate collected a great sum of money; besides jewels, necklaces, bracelets, rings, dishes, spoons, and other silver implements, which the ladies and other devotees gave to purchase heaven, and to obtain the benefit of absolution and pardon for all transgressions. Nor were the men unmindful of their own salvation in this way, for many of them, as was believed, gave beyond their abilities, in order to make their absolution more valid; some found men at arms, others archers, and many were so zealous as to serve in their own persons.

But, to give the greater credit to this sanctified cause, the consent and aid of parl. was thought absolutely necessary; and the bp. on further consideration, made a second proposal, which was, "To serve the king, one whole year, with 2000 men at arms, and an equal number of archers, well arrayed and mounted, for the whole 15th granted by the laity. Of which number, 1000 men at arms and as many archers should be ready to pass the sea for the relief of Ghent, and the country of Flanders, within 20 days after the first payment: and that he would take upon him to pay the charge of shipping, and all other incident expences." This last proposal was agreeable to the king, his council, and both houses of parl.; and since France, with the earl of Flanders, were intirely in the interest of the anti-pope, they were in hopes that some great advantage might be made of this expedition, in the French war, which still continued. But though the bp. passed over with his army, and had some considerable success at first, yet, in the end, this pontifical war concluded with no great honour, either to the prelatical leader of it, or to the nation.

[*A new Parliament called.*] Before the bishop's return from this extraordinary crusade, writs had been sent out to call a new parl. to meet on the 1st of Nov. 1383. The cause of summons was in some measure expressed in the writs, "That by advice and assent of the council a parl. was called for their mediation and assistance, in a treaty of peace, then in agitation between the king, his kingdom, and subjects, on the one part; and Robert king of Scotland on the other. And for other difficult and urgent business, which concerned the king, the state and defence of the realm, and the English church." At the meeting, sir Michael de la Pole, then lord chanc. of England, opened the session by a speech, excusing first his own unworthiness to the place he possessed, and declaring that he was forced to accept of it; after which he acquainted the houses, "That the truce which had been concluded with the Scots was to end at Candlemas next; that the duke of Lancaster, who had been sent to renew it, was returned, and had brought back word that the Scots would send commissioners to London to manage the treaty. A second cause was to provide as well as they could against three powerful enemies, Spain, France and Flanders. And here he offered several reasons to prove that it was better for us to begin and make war upon them, than they upon us, or suffer them to invade us." And further observed, "That these wars were not to be imputed to the king, for they had descended to him with the crown. He desired that care might be taken for the maintenance of good laws, and security of the peace. And lastly put them in mind of an aid to support these great charges." The chanc. then addressed himself particularly to the lords, and told them, "That the king commanded them to have a due consideration of the necessary matters that had been declared to them; the apparent and insupportable mischiefs that threatened all, and the great necessity the king had for money to prevent them. That they should treat diligently of these things, by themselves, with as much speed as might be; and laying aside all animosities, they were to report their advice, from time to time, to the king." And added, "That his majesty commanded them to sit from day to day, to dispatch what they came for, and not to depart from parl. without his special licence, under the penalty that might ensue." Hereupon the lords and commons took into consideration the extraordinary charge the king was to be at, by reason of the war then open on every side, and granted two half 15ths, upon condition that the clergy would contribute and grant what became them, which they did accordingly.

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[*The Bishop of Norwich fined, &c.*] In this parl. the bp. of Norwich was accused by the chanc. and several articles were exhibited against him for his miscarriages in the late expedition. The greatest of which was, that he had promised to serve the king with a certain number of men for a whole year, and had served but half a year, and then returned with his army quite broken. This article he could not clear himself of, and therefore was adjudged to make fine and ransom at the king's pleasure, and the temporalities of his bishopric to be seized for that purpose; and thus ended this piece of Ecclesiastical Knight-Errantry. The name of this warlike bp. of Norwich was Henry le Spenser. For the bishop's accusation, by the chanc. and his answers to them, see Cotton's Abridgment, p. 192.

[*A Parliament called.*] The war with Scotland being renewed, a parl. was appointed to meet at Salisbury, April the 25th, 1384. Being assembled, sir Mich. de la Pole, lord chanc. by the king's command, declared the cause of the summons to be;—1st, "For the maintenance of the church's liberties, the preservation of the laws and the peace." Next, he told them, "That there had been a treaty of peace transacted between England and France, of which, at a proper opportunity, he should shew them the articles. Which, although the king might have concluded without acquainting them, yet, he rather chose to do it with their knowledge and consent." He added, "That if the peace was to take effect, yet, it could not well be ratified without a meeting of both the princes; which, for their own sovereign's honour, required no small charge. Besides, the king had been at great expence in defending the nation against the Scots; in securing the sea-ports beyond sea; and the safety of Guienne and Ireland; and how all this was to be born, he charged them, on their allegiance, to consult and give their answer." The triers of petitions being settled, as usual, the commons came before the king, in parl. and requested that certain lords, there named, might be granted to them for conference; hereupon the duke of Lancaster, with other peers just then coming into parl. they besought the king, that the said duke and his brothers of Cambridge and Buckingham might be of the number; which was granted. After which, the lords and commons gave the king a moiety of a 10th and of a 15th, providing further, that if the wars with Scotland and France did continue, then the king should have the other moiety of a 15th; so that the clergy should tax themselves accordingly; and if a peace was made then the last moiety to cease.

[*A Parliament called.*] The same year a parl. was assembled at Westm. on the 12th of Nov. when, in the presence of the king, the lords sitting, and the knights and burgesses standing, the lord chanc. as before, put them in mind, "of the king's great care of the church, commons, and laws of England;" and further told them, "That the nation was environed with enemies, the French, Spaniards, Scots and Flemings; and that the chief cause for calling this parl. was to provide for the safety and defence of the kingdom: and to consider how this provision might best and most speedily be raised, so that the poor people might be least burthened by it." He acquainted them, "That the king would go in person, for the defence of the kingdom, against any enemy, by the advice and consent of parl. He then took occasion to tell them, 'of the base treachery and falshood of the French; who, in the last treaty of peace at Calais, had gone from their own offers; which, he added, was a good cause of assurance to the English, in so just a quarrel to look for victory.' The chanc. concluded with observing to them, 'That four ways or means would greatly further and speed this consultation; first, to be early in the house; next, to repel all melancholy passions; the third, to begin always on the most needful enquiries, and to direct without mixture of any orders; and lastly, to avoid all maintaining and partaking.' See Cotton's Abridgment, p. 303. These things being maturely considered, the lords and commons granted to the king, for the defence of the realm, the safeguard of the sea, and marches of Scotland, two 15ths. Upon condition that the last half 15th, granted at Salisbury, should not be paid; and in case the king did not go in person against his enemies, or that a peace or truce should be made with them, then the latter of these two 15ths should not be levied.

[*A new Parliament called.*] On or about the 20th of Oct. 1385, the king thought it adviseable to call a new parl. On the day of their meeting, sir Michael la Pole, then earl of Suffolk and still chancellor of England, opened the session in the presence of the king and the other estates to this purport: "That the nation being assaulted on every side by most mortal enemies, it was their business to consider how it might best be defended and preserved. The defence of the realm, he said, might be effected 4 several ways; of which 2 were foreign and the other 2 domestic. The home affairs were concerning the Staple, and the current Coin of the kingdom. The other were, how they might best defend themselves; and how the war was to be best supported and maintained. For the Staple, he thought it best that the same should be planted within the realm. Since it was evident that the burgesses of Calais, and other towns abroad, were grown very rich thereby; whilst several good towns within the kingdom were very much decayed, by which the common profit was abated. For, he affirmed that the subsidy on wools yielded more to the king, when the Staple was kept in England, by a 1000 marks yearly, than it had done when held abroad. As to the Coin (he said) that considering how all nations were greedy of it, and conveyed much over, he advised it, as the best way, to raise the value. That the nation might

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be best defended by pursuing the enemy with a vigorous war; and for many reasons he told them, that it was better to seek than to be sought after; wherefore, of necessity, a subsidy was to be granted, such as might be equal to the occasions of the government."—Upon the chancellor's motion, the lords, great men, &c. granted to the king for the voyage of John king of Castile and Leon, and duke of Lancaster, into Spain, for the safe keeping of the sea and marches of Scotland, a full 10th and 15th, and a half a 10th and 15th. Particular treasurers were appointed by parl. for the receipt of this subsidy, with supervisors to see it laid out; and this voyage into Spain was declared to be "by the agreement and consent of the king, prelates, noblemen, and commons in full parl. assembled."

[*Grants and Promotions.*] In the last expedition into Scotland the king had created some new dignities, which, according to the custom of those times, were used to be confirmed in parliament. Edmund earl of Cambridge, the king's uncle, was confirmed duke of York, and had a pension of 1000l. a year assigned him and his heirs male out of the exchequer to support his dignity, until the king could settle lands upon him of like value. Thomas earl of Buckingham and Essex the king's other uncle, having been created duke of Gloucester, was confirmed in it; and had a like pension and assignment made him. Also Michael de la Pole, made earl of Suffolk, had some lesser grants passed to him. Lastly, Robert de Vere, earl of Oxford, the king's favourite, was now, by an unusual title created Marquis of Dublin; and was confirmed in that title together with all the revenues of Ireland, &c. except some royalties reserved to the crown, and paying 5000 marks yearly into the exchequer. It was now also that Roger Mortimer, earl of March, was declared, in parl. presumptive heir to the crown, in case that Richard died without issue.

[*Petitions of the Commons.*] In this parl. the commons petitioned the king, "That the state of his household might be looked into and examined every year, by the chanc. treasurer and clerk of the privy-seal, and what was amiss to be mended at their discretion. And, also, that the ancient statutes made concerning the household, might be kept and duly executed in all their points." To the 1st article of the petition the answer was, "The king will order it when he pleaseth." To the 2d "*Le Roy le veu.*" The commons desired to know, "Who should be the king's chief officers and governors of the state of the kingdom?" The answer was, "The king hath officers sufficient at present, and will change them at his pleasure."

It was, also, enacted in this parl. that, all lords and other persons who have lands on the marches beyond the river Tyne, should live upon them; saving, that the king may shew favour to whom he pleaseth in that matter. The staple of wool which was at Calais was, also, ordered to be kept in England in such place as the king and his council should think meet. See Cotton's Abridg. p. 310.

[*Debate concerning restoring the Bp. of Norwich's Temporalities.*] In this parl. Tho. Arundele, bp. of Ely, applied to the king, to make restitution of the temporalities to Henry Spenser bp. of Norwich, which had been seized into the king's hands in the last parl. This was warmly opposed by the new earl of Suffolk, lord chanc. who rose up and spoke to the bp. of Ely, in this manner, "What is that, my lord, that you ask of the king? Seems it to you a small matter for him to part with that bp.'s temporalities, when they yield to his coffers above 1000l. a year? Little need hath the king of such counsellors, or such friends, as advise him to acts so greatly to his disadvantage." To which the bp. of Ely replied, "What says your lordship, my lord Michael? Know, that I ask not from the king what is his own, but that which he, drawn thereunto by you, or such as you are, withholds from other men, upon none of the justest titles, and which, as I think, will never do him any good. As for yourself, if the king's advantage be the thing you drive at, why did you so greedily accept of 1000 marks a year, at the time he created you earl of Suffolk?" The chanc. adds our authority, was hit so home, by this round retort, that he offered no further to cross the restitution of the bp.'s temporalities. See Speed's Chron. p. 600.

[*A new Parliament called.*] A new parl. was called, by writs, to meet at Westm. on the 1st of Oct. 1386. It appears by the Records, that the session was opened, as usual, by a speech from the earl of Suffolk, lord chanc.; in which, he told the houses, "That the principal cause of calling them together, at that time, was to acquaint them, that at a council, held at Oxford, it had been determined that the king should pass the seas, in person, with an army royal; which resolution the king still held, and they were to debate in what manner and how it was to be done. He said there were 4 causes that moved the king to this expedition; the 1st was, that he might at less expence attack his enemy abroad, than stay and defend them at home. The 2d was to take off a reproach blazed about, that he durst not go over in person. The 3d was to gain his right to the crown of France; by which, he should acquire both renown and honour. And, lastly, since the French were daily threatening an invasion, he desired them to consult about it, as well as the maintenance of the laws and preservation of the peace."

[*Differences between the King and his Parliament.*] The tryers of Petitions being appointed, the next thing this parl. went upon was the Impeachment of the earl of Suffolk. Henry Knyghton informs us, that "at the opening of the session, the king appeared, in person, as usual; but when he found that the commons were resolved upon impeaching sir Michael de la Pole, earl of Suffolk, and lord chanc. for divers crimes and misdemeanors,

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his majesty retired, lest he might seem to countenance their proceedings. The king went to Eltham, where he trifled away his time: hereupon both houses, with joint consent, thought proper to send this message to him, "That the chanc. and treasurer ought to be removed from their offices, because those men were not for the advantage of himself and kingdom. Adding, that they had matters to treat of relating to the lord Michael de la Pole, which could not be safely done whilst he remained in the office of chanc." The king was greatly incensed at this message, and commanded them, "Not to make mention of any such thing for the future; but forthwith proceed to the business for which they were summoned, and hasten to a conclusion;" and rashly added, "That he would not for them, or at their instance, remove the meanest scullion in his kitchen." What raised the resentment of the commons more against the chancellor was, that in this parl. he, in the king's name, had demanded of them four 15ths, to be paid in one year, and as many 10ths from the clergy. Alledging, that the king was so much in debt that less would not discharge it. Without regarding this at all, the lords and commons returned their joint answer to the king, "That they neither could, nor by any means would proceed, in any business of parl. or dispatch, so much as the least article of it, till the king should come and shew himself in person amongst them, and remove the said Michael de la Pole from his office." To this high demand, the king returned for answer, "That they should order 40 knights, of the wisest and most substantial of the commons, to come to him and declare the opinion of all the rest." But this message alarmed them still more, every man doubting his own safety; for a private rumour had reached their ears, that these 40 members were designed to be massacred. For, "adds our authority, "it was told them, and it appeared afterwards to be true, that as these 40 were to go to the king, a large party of armed men should set upon and murder them. Or else, that being invited to a feast, some armed ruffians should destroy them. Or, yet another way, that they should be murthered, all in an instant, in their lodgings in London." "This last bloody design," he says, "was frustrated by R. de Exton, then mayor of London, who refused to give his consent to such a piece of villainy; by which it was deferred, and this cursed contrivance by degrees brought to light." Therefore the whole parl. by common consent, deputed the lord Thomas of Woodstock, duke of Gloucester, and Thomas de Arundel, bp. of Ely, to go to the king, still at Eltham, and that they should, in the behalf of the lords and commons, humbly salute him, and deliver the sense of both houses to him, to this effect:—

[*The Parliament's Remonstrance to the King.*] "Sir, the prelates, lords and commons, in parl. assembled, with most humble submission, recommend themselves to your royal dignity; wishing you successful in the course of honour, and invincible against the power of your enemies; together with the most firm band of peace and hearty love towards your subjects, as well for the increase of your own interest and advantage, in respect of God, and the salvation of your soul, as for the unspeakable comfort of all the people you govern, on whose behalf we intimate these things unto you: "That we have it settled and confirmed in our ancient constitution, from a laudable and approved custom, which none can gainsay, that the king ought to assemble the lords, nobles, and commons of the kingdom *once a year*, unto his parl. as the highest court of the realm, in which all equity ought to shine bright without any spot, clear as the sun; and wherein as well poor as rich may find never-failing shelter for their refreshment, by restoring tranquillity and peace, and removing all kind of injuries; where all public grievances or errors are to be redressed; and wherein with the most prudent council, the state and good govt. of the kingdom is to be treated of; and considering that the king and nation's foes at home, and their enemies abroad may be discovered, and repulsed, by such means as most conveniently and honourably may be done; and also with wholesome deliberation therein to foresee and order, how the necessary burthens of the king and kingdom may with most ease, the public wants considered, be supplied: they conceive also, that since they are to support all public charges incumbent, they should have the supervisal how and by whom their goods and fortunes are to be expended: they say moreover, that this is their privilege by ancient constitution, 'That if the king will wholly estrange himself from his parliament (no infirmity or necessary cause disabling him), but obstinately by his ungovernable will, shall withdraw himself, and be absent from them the space of 40 days, not regarding the vexation of his people, nor their grievous expences; that then from that time it shall be lawful for all, and every of them, without any damage from the king to go home, and return into their own countries.' And now, you for a longer time have absented yourself, and for what cause they know not, have refused to come among them."

[*The King's Answer.*] To this the king answered to this effect: "Now we do plainly discover, that our people and the commons intend to resist, and are endeavouring to make insurrections against us: and in such case nothing seems better for us than to call in our cousin the king of France; and from him to ask advice and aid, nay even to submit ourselves to him, rather than to truckle to our own subjects."

[*The Parliament's Reply.*] To which they replied: "Sir, this council is not safe for you, but rather tends to your inevitable destruction; for the king of France is your capital enemy, and the greatest adversary to your kingdom; and if he should once get footing on your land,

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would sooner endeavour to despoil you of it, to invade your kingdom, and drive you from your throne, than in the least to lend you his assisting hand, if at any time (which God forbid) you should stand in need thereof; rather therefore recall to your memory, how your noble grandfather, king Edw. III. and in like manner your father, a prince of the same name and renown, with great labour and hazards, during their whole lives, indefatigably contended for the conquest of that kingdom, which by hereditary right appertained to them, and after them to you by succession: you may also be pleased to call to mind, how many of the nobles, what innumerable troops of the commons of England, lost their lives in that quarrel: remember also the inestimable treasures the people of England freely parted with, for the maintenance of that war. And yet, what is more to be lamented, they have in your time sustained so many taxes for the support of your wars, as that now they are reduced to such incredible poverty, that they can neither pay their rents for their livings, nor assist the king, nor afford themselves even the necessaries of life: thus the royal power is impoverished, and an unhappy condition brought upon all the great men and nobles of the kingdom, who, as well as the commons, are weakened and undone; for a king cannot be poor that has a rich people, nor that king be rich, whose subjects are beggars: nor do these ills redound alone to you the king, but to all the nobility and great men, every one in his rank and degree. All this is brought to pass by your evil ministers, who have ill governed both king and kingdom to this day; and unless we do quickly set to our helping hands, the kingdom will, in less time than we think of, be miserably subverted. But there is yet one part more of our message remaining, on the behalf of your people, to be imparted to you, "That we have an ancient constitution, and it was not many ages since experimented," (it grieves us that we must mention it) "that if the king, through any evil council, or weak obstinacy or contempt of his people, or out of a perverse and froward wilfulness, or by any other irregular courses, shall alienate himself from his people, and refuse to govern by the laws and statutes of the realm, according to the laudable ordinances, and their faithful advice; but will throw himself headlong into wild designs, and stubbornly exercise his own singular arbitrary will; that from that time, it shall be lawful for his people, by their full and free assent and consent, to depose that king from his throne, and in his stead to establish some other of the royal race upon the same:" therefore, that such a grievous and unhappy dissention may never spring up amongst your people; that they may never, through such lamentable divisions, pleasing only to your enemies, be by your evil counsellors subverted; and that this kingdom so honourable, and from your father's days hitherto most famous in war, may not now in your time, through the distractions of evil govt. be miserably laid waste; and that the title of those miseries may never be fixed as a scandalous mark upon your reign; recall, we beseech you, your royal mind from such foolish and pernicious councils; and whosoever they are that suggest such matters to you, do not only refuse to hearken to them, but totally remove them from your presence; for in a time of danger it will be found, that they can no ways prove effectual to serve you, when you stand most in need of them."

By these and other speeches, says our author, the king was brought to better temper, and laying aside his passion, he promised that after 3 days he would come to the parl. and with mature advice, willingly acquiesce in their Petitions. Accordingly, the king came at the time appointed; and, very soon after, Tho. Arundele, bp. of Ely, by the advice and consent of parl. was made chanc. in the room of M. de la Pole, earl of Suffolk; John Gilbert, bp. of Hereford, was made treasurer, instead of John de Fordham, bp. of Durham; and John de Waltham, keeper of the privy-seal.

[*Impeachment of Sir M. de la Pole*] After the removal of sir Mich. de la Pole from the chancellorship, he was impeached by the commons of several high crimes and misdemeanors. The following are the articles against him. See Rot. Parl. 10. *R.* 2, no. 1, 6.

"*Articles of Impeachment exhibited by the Commons in full Parliament against Michael de la Pole, Earl of Suffolk, late Chancellor of England.*"

"I. That the said earl being chanc. and sworn to act for the just profit of the king, hath purchased of our lord the king, lands, tenements, and rents to a great value, as appears by the record-rolls of the chancery: and against his oath, not regarding the great necessity of the king and realm, being chanc. at the time of such purchase made, did cause the said lands and tenements to be extended at a much smaller value than really they were worth by the year, and thereby deceived the king."—And for that he purchased the said lands when he was chanc. against his oath, the king shall have the said lands again intirely, and the said earl shall make fine and ransom to the king, with all profits received since the purchase."

"II. Whereas 9 lords were assigned by the last parl. to examine the state of the king and realm, and to deliver their advice how the same might be improved, amended, and put into better order and governance, and thereupon such examination to be delivered to the king as well by word of mouth, as in writing; the said late chanc. did say in full parl. 'That the said advice and ordinance should be put in due execution;' which yet was not done, and that by the default of him who was the principal officer."—To this article, and the 3rd and the 7th, the said earl shall answer, if he have any thing to say against the same in special."

"III. Whereas a tax was granted by the

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commons in the last parl. to be laid out in a certain form demanded by the commons, and assented to by the king and lords, and not otherwise; yet the monies thence arising, were expended in another manner; so that the sea was not guarded as it was ordered to have been; whence many mischiefs already have happened, and more are like to ensue to the realm: and all this by the default of the said late chanc.

"IV. Whereas the tideman of Limbergh, having to him and his heirs of the gift of the king's grandfather 50l. per ann. out of the customs of Kingston upon Hull, which the said tideman forfeited to the king; and whereas the payment of the said 50l. per ann. was discontinued for 35 years and upwards: the said chanc. knowing the premises, purchased to him and his heirs of the said tideman, the said 50l. per ann. and prevailed with the king to confirm the said purchase, whereas the king ought to have had the whole profit."—For this purpose the said earl was adjudged to fine and ransom, and the said 50l. to go to the king and his heirs, with the manner of flaxflete, and ten marks of rent which were exchanged, &c. with the issues.

"V. Whereas the high master of st. Anthony is a schismatick, and for that cause the king ought to have the profits which appertain to him in England; the said late chanc. who ought to advance and procure the profit of the king, took to farm the said profits of the king at 20 marks per ann. and so got to his own use above a 1000 marks. And afterwards when the said master in England which now is, ought to have had the possession and livery of the said profits, he could not obtain the same, till he and two persons with him became bound by recognizance in chancery, of 3000l. to pay yearly to the said chanc. and his son John, 100l. for the term of their two lives."—For this it was adjudged, That the king shall have all the profits belonging to the said st. Anthony's, at the time of the purchase; and that for the recognizance so made, the said earl shall be awarded to prison, and fined, and ransomed at the pleasure of the king.

"VI. That in the time of the late chanc. there were granted and made divers charters and patents of pardon for murders, treasons, felonies, &c. against the laws; and before the commencement of this present parl. there was made and sealed a charter of certain franchises granted to the castle of Dover in disinherison of the crown, and to the subversion of the pleas and courts of the king, and of his laws."—The king awards that those charters be repealed.

"VII. Whereas by an ordinance made in the last parl. that 10,000 marks should be raised for the relief of the city of Ghent; by the default of the said late chanc. the said city of Ghent was lost, and also 1000 marks of the said money."—Upon all which articles the commons demand the judgment of parliament.

Knyghton says that "the sum of the earl's answers to these articles, were either by denying some of them, or confessing and excusing others; and that for all these offences, the said earl was not only discharged from his office of chanc. but being arrested, was committed to the custody of the constable, and after the parl. was up, he was sent close prisoner to Windsor-Castle; but was soon after discharged by the king." Walsingham, an historian of good authority, and co-temporary with Knyghton, relates, that all these articles were so fully proved, that the earl could not deny them. Insomuch, that when he stood upon his defence, and had nothing to say for himself, the king, blushing for him, shook his head and said, 'Alas, alas, Michael, see what thou hast done.' Further, when the king desired a supply, the same author tells us that the commons answered, 'He did not need any tallage on his subjects, when he might so easily furnish himself with a sum of money from him who was his just debtor.' Knyghton adds, "that by the corruption of the king's officers, the public revenue was vainly consumed; the king insufferably defrauded and abused; the common people of the realm, by continued and grievous burdens miserably impoverished; the rents and profits of the nobles and great men much impaired; and their poor tenants in many places forced to abandon their husbandry, and leave their farms empty and desolate. And, all this time it was plain that, by these means, the king's officers became unmeasurably rich."

[*Eleven Lords appointed to regulate the Affairs of the Kingdom.*] The parl. observing all this, in order to remedy the evil, they chose 11 lords, to whom the king, by commission under the broad-seal, granted leave and power to enquire into, treat of, and determine all affairs, causes and complaints arising since the death of Edw. III. to that present time; as also of the king's expences, and his ministers, and all other matters happening within the limited time. The lords, so chosen, were sworn, on the holy Evangelists, to well and truly regulate all burdens, and other affairs incumbent on the king and kingdom; and to do justice to every one. The king, likewise, took an oath to stand to their appointment, to encourage them in their actings, and not to revoke any article of their power, but to confirm, as good and stable, whatsoever the said counsellors should do or order, during that time; and that any 6 of them, with the 3 chief officers of the king, should at any time make a quorum. Lastly, it was enacted, that if any man should advise the king to make any revocation of their power, though the king should not do it, yet if it was but probable he gave such evil counsel, he should for the same forfeit all his lands and goods; and if he attempted it a 2nd time he should be drawn and hanged as a public traitor to the king and kingdom.

[*The King's Letters Patents in Confirmation thereof.*] But the authority of parl. alone, being not judged sufficient to secure this great change in the government, the king was further

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prevailed on to grant his Letters Patent, on which, afterwards, a Statute was made in order to render it as irrevocable as possible. Which Letters Patent must find a place in this work, since, though not strictly parliamentary, they were the occasion of the persons concerned in the commission being afterwards brought to a very severe trial in parl. Thus they stand translated from the French:—

"Richard, king, &c. to all those to whom these letters shall come to be seen or heard, greeting. We being duly conscious of the grievous complaints of the lords and commons of our realm in this present parl. assembled, that our profits and rents, and the revenues of our realm, by private and insufficient council, and the ill governance as well of certain of our late great officers, as of divers other people being near our person, are so much consumed, wasted, embezzled, given away, granted, and aliened, destroyed, and evilly disposed of and expended: that we are so much impoverished and stripped of treasure and means, and the substance of our crown so diminished and destroyed, that we are neither able to sustain honourably, as we ought, the state of our household, nor maintain and manage those wars wherewith our realm is environed, without great and outrageous oppressions and charges on our people, greater than they can bear: and also that the good laws, statutes and customs of our said realm, to which we are bound by oath, and obliged to maintain, are not, nor have been duly observed and executed, nor full justice or right done to our said people: but many disinherisons and other most great mischiefs and damages have happened, as well to us, as to our people and whole realm. Now we, for the honour of God, and for the good of us and our realm, and for the quiet and relief of our people, willing against the said mischiefs to establish a good and meet remedy, as we have already of our free will, at the request of the lords and commons, ordained and assigned such persons for our great officers; that is to say, our chancellor, treasurer, and keeper of our privy seal, as we esteem good, faithful, and sufficient, for the honour and profit of us and our realm: so also of our real authority, certain knowledge, good pleasure, and free will; and by the advice and assent of the prelates, lords, and commons in full parl. in aid of the good governance of our realm, and the well and due execution of our laws, and for the relief in time of that miserable condition under which both we and our subjects have long laboured, having full confidence in the good advice, sense, and discretion of the most hon. fathers in God, Wm. abp. of Canterbury, and Alex. abp. of York; our most dear uncles, Edmund, duke of York, and Thomas, duke of Gloucester; the hon. fathers in God William, bp. of Winchester, Thos. bp. of Exeter, and Nicholas Abbot of Waltham; our beloved and faithful Rd. earl of Arundel, John lord Cobham, Rd. le Scroop, and John Devereux, have ordained, assigned and deputed, and do ordain, assign and depute them to be of our great and continual council, for one whole year next after the date hereof, to survey and examine, together with our said great officers, as well the estate, condition, and government of our whole realm, and of all our officers and ministers of whatever estate, degree, or condition they be, within our household or without; and to inquire and take information by all such ways as they shall think meet, of all rents, revenues, and profits belonging to us, or which are due and ought to appertain to us, either within the realm or without: and of all gifts, grants, alienations, and confirmations by us made, of any lands, tenements, rents, annuities, profits, revenues, wards, marriages, escheats, forfeitures, franchises, liberties; voidances of archbishoprics, bishoprics, abbeys, priories, farms of houses, possessions of aliens, &c. And also of all revenues and profits, as well of our said realm, as of our lands, lordships, cities, villages, and other possessions beyond the sea; and of the benefices and possessions, and other revenues of all that are in rebellion against the pope: and of the carrying monies out of the realm by the collectors of the pope, or the procurators of cardinals, Lombards, or other persons: and likewise of the profits of our customs, and all subsidies granted to us by the clergy and laity, since the day of our coronation, to that time: and of all fees, wages, and rewards of our officers and ministers great and small, and of annuities and other rewards granted; and gifts made to any persons in fee or for term of life, or in any other manner: and of lands, tenements, rents, revenues, and forfeitures, bargained or sold to the prejudice and damage of our crown: and also touching the jewels and goods which were our grandfather's at the time of his death, and of charters and general pardons; and how general payments have been levied and expended; how garrisons and forts have been maintained: and of all defaults and misprisons as well in our household, as in our courts, and all other places of our realm: and by what persons our revenues and the substance of our crown have been withdrawn or diminished; or the common law interrupted or delayed, or any other damage that hath happened to us. Giving, and by these presents granting, of our authority, and by the advice and assent of our said subjects, unto our said counsellors, or any 6 of them, and to our great officers aforesaid, full power and authority, general and special, to enter our palace and household, and to call before them all our officers, and to command all rolls, records, and other monuments and evidences; and all defaults, wasts, and excesses found in our said household, and in other courts and places; and all deceits, extortions, oppressions, damages, and grievances whatsoever, that are to the prejudice, damage, and distress of us and our crown, and the estate of our said realm in general (though not herein particularly expressed and specified) to amend, correct, repair, redress, reform, and put into good and due order

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and establishment: and also to hear and receive the complaints of all our liege people, as well for us as themselves, against our said officers and counsellors: and all oppressions, wrongs, and injuries, which cannot so well be amended and determined in the courts of the common law: and to discuss and finally determine all the matters aforesaid, and full execution thereof to award, as to them shall seem most meet, for the honour and profits of us and our estate, and to the redintegration of the rights and profits of our crown, and the better governance of the peace and laws of our kingdom, and the relief of our said people. In which proceedings, if difference of opinion happen amongst our said counsellors, the same shall be concluded by majority of votes: and we command and charge all prelates, dukes, earls, barons, sheriffs, the treasurer, and comptroller, and all other officers of our household, justices de banco, and other officers, ministers, and liege subjects whatsoever, that to our said counsellors and officers in manner aforesaid, they be obedient, aiding and assisting. In witness whereof, &c. Given under our great seal the 19th day of November."

[*A Subsidy granted.*] It appears from the Record, that this parliament granted half a 10th in spirituals, and half a 15th on all temporals. They likewise gave the king of every tun of wine imported or exported, 3s.; and 12d. on every pound of merchandize, except of such staple commodities as wool-fells, &c. And that these subsidies might be well and truly expended, the same prudential care was taken in this as in other matters, that the money should be deposited in the hands of certain of the nobility appointed for that purpose. On the 20th of Nov. this parl. was dissolved; but the king's great candour and condescension in it was in a great measure sullied by the following memorandum, which is the last thing entered upon the roll, viz. "that the king came and made protestation, in full parl. with his own mouth, 'that for any thing which was done in that parl. he would not any prejudice should come to him, or his crown; but that the prerogative and liberties of it should be safe and preserved.'

It is necessary here, in order to keep up a proper connection, to deviate a little from our Parliamentary History, to learn what struggles the king made to get loose from the bonds which had been thus imposed upon him. In 1387, the king and queen made a progress into the west and northern parts of the kingdom. In his return from the latter, he held a council at Nottingham. The chief persons of which this council consisted, were, Alex. abp. of York; Rob. de Vere, lately created duke of Ireland; Mich. de la Pole, earl of Suffolk; Rob. Tresilian, chief justice of the King's Bench, and Nicholas Brembre of London, knights, who were the king's greatest favourites and advisers, and in whom he put his whole trust and confidence. This Council of State summoned all the sheriffs of the adjoining counties to Nottingham, and demanded of them what forces they were able to raise to assist the king against the lords if they were required to do it? The sheriffs answered, coldly, "That the people were generally persuaded that the lords were the king's friends, and that they sought the good of the nation in all they did, and therefore they believed they could get very few to oppose them." This disappointment was the less to these courtiers, because they knew that the lords were very popular, and they had still other projects to go upon. They next commanded the sheriffs and gentlemen, then attending on the summons, to suffer none to be returned as knights or burgesses for the next parl. but such as the king and his council should nominate. To which they replied, "That the people would be very hardly deprived of their antient privilege of choosing their own members of parl.; and that if there was a true freedom observed in choosing, it would be almost impossible to impose any person against the people's liking, especially, since, they would easily guess at the design, and stand the more resolutely upon their right." This answer of the sheriffs somewhat startled the council, because they built much on this invention; for what was done by a parl. would, as they imagined, carry a face of justice along with it, and their private revenge be turned into a public punishment. But, losing this point, they dismissed the sheriffs and gentlemen, and fell upon their last, but most desperate stratagem, which was to ruin them by law.

[*Questions proposed to the Judges, and their Answers, relating to the late Commission.*] To this end the king sent his summons for all the judges to attend him; and, on their appearance, a string of Questions or Articles, which were ready drawn up by sir Rob. Tresilian, chief justice of the king's bench, and one of the cabal, was proposed to them. These Articles Knyghton has given at large, and are as follow:—Be it remembered, That on the 25th of Aug. in the 11th year of the reign of k. Rich. II. at the castle of Nottingham, before our said lord the king, Rob. Trevilian, chief justice of England, and Rob. Belknappe, chief justice of the common bench of our said lord the king, John Holt, Roger Fulthorp, and Wm. de Burgh, knights, justices, and associates of the said Rob. Belknappe, and John de Lokton the king's serjeant at law, in the presence of the lords and other witnesses underwritten, were personally required by our said lord the king, on the faith and allegiance wherein to him the said king they are bound, to answer faithfully unto certain Questions here under specified, and to them then and there truly recited, and upon the same to declare the law according to their discretion, viz.—1. It was demanded of them, "Whether that new statute, ordinance and commission, made and published in the last parl. held at Westm. be not derogatory to the royalty and prerogative of our said lord the king?" To which they unanimously answered,





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that the same are derogatory thereunto, especially because they were against his will.—2. "How those are to be punished, who procured that statute and commission?" A. That they were to be punished with death, except the king would pardon them.—3. "How those are to be punished who moved the king to consent to the making of the said statute?" A. That they ought to lose their lives, unless his maj. would pardon them.—4. "What punishment they deserved who compelled, straightened or necessitated the king to consent to the making of the said statute and commission?" A. That they ought to suffer as traitors.—5. "How those are to be punished who hindered the king from exercising those things which appertain to his royalty and prerogative?" A. That they are to be punished as traitors.—6. "Whether after in a parl. assembled, the affairs of the kingdom, and the cause of calling that parl. are by the king's command declared, and certain articles limited by the king, upon which the lords and commons in that parl. ought to proceed; if yet the said lords and commons will proceed altogether upon other articles and affairs, and not at all upon those limited and proposed to them by the king, until the king shall have first answered them upon the articles and matters so by them started and expressed, although the king's command be to the contrary; whether in such case the king ought not to have the governance of the parl. and effectually over-rule them, so as that they ought to proceed first on the matters proposed by the king: or whether on the contrary, the lords and commons ought first to have the king's answer upon their proposals before they proceeded further?" A. That the king in that behalf has the governance, and may appoint what shall be first handled, and so gradually what next in all matters to be treated of in parl. even to the end of the parl.: and if any act contrary to the king's pleasure made known therein, they are to be punished as traitors.—7. "Whether the king, whenever he pleases, can dissolve the parl. and command the lords and commons to depart from thence, or not?" A. That he can, and if any one shall then proceed in parl. against the king's will, he is to be punished as a traitor.—8. "Since the king can, whenever he pleases, remove any of his judges and officers, and justify or punish them for their offences; whether the lords and commons can without the will of the king impeach in parl. any of the said judges or officers for any of their offences?" A. That they cannot, and if any one should do so, he is to be punished as a traitor.—9. "How he is to be punished who moved in parl. that the statute should be sent for, whereby Edw. II. (the king's great grandfather) was proceeded against and deposed in parl.; by means of sending for and imposing which statute, the said late statute, ordinance, and commission, were devised and brought forth in parl.?" A. That as well he that so moved, as he who by pretence of that motion, carried the said statute to the parl. are traitors and criminals to be punished with death.—10. "Whether the judgment given in the last parl. held at Westm. against Mich. de la Pole, earl of Suffolk, was erroneous and revocable, or not?" A. That if that judgment were now to be given, they would not give it; because it seems to them, that the said judgment is revocable, as being erroneous in every part of it. In testimony of all which, the judges and serjeants aforesaid, to these presents have put their seals in the presence of the rev. lords, Alex. abp. of York, Rob. abp. of Dublin, John bp. of Durham, Tho. bp. of Chichester, and John bp. of Bangor, Rob. duke of Ireland, Mich. earl of Suffolk, John Rypon Clerk, and John Blake, esq; given the place, day, month, and year aforesaid."

But though the king and his favourites had got the judges on their side, and had thus procured a colour of law for what they did; yet, the greatest difficulty remained behind, which was to arm themselves with power sufficient, to put these resolves into execution. To this purpose, they did their utmost to render themselves and their king popular; and at his majesty's return to London, he was met and received by the mayor and citizens, with the greatest pomp and solemnity. But this joy was short lived, for the junto, soon after their arrival at Westm. had notice that the duke of Gloucester, with the earls of Arundel and Warwick, and a great body of armed men, were marching towards London. It was not long before these lords declared themselves, and being come with their army as far as Hackney, they sent the abp. of Canterbury; the lord John Lovel, the lord Cobham, the lord Devereux and others to the king with this message. "That they came to demand the persons who had seduced the king and were traitors, both to him and the kingdom. That it was purely for his majesty's welfare and the good of the nation that they took up arms, in order that they might bring those traitors to justice, to the terror of all succeeding evil ministers." They named 5 persons, who had the rule and govt. of every thing, both at home and abroad, and had given the king such pernicious advice, there specified, that, if it was followed, would be the ruin of them all. The king, finding that his favourites could no ways protect him, was forced at last to come to a compromise, and to refer all grievances to the decision of the next parliament.

[*A new Parliament called*] Writs were accordingly issued for a new parl. to meet on the 3d of Feb. 1388. But, in the body of the writs an equivocal clause was inserted; which was an order to return those persons that were the most indifferent in the present disputes. Which, being found out, the king was obliged to renew the writs, and even to specify that the clause, abovementioned, was put in contrary to the ancient form. The parl. being met on the day appointed, Tho. Fitz-Alan, bp. of Ely and lord chanc. declared the cause

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of the summons to be, "to consider by what means the troubles in the kingdom, for want of good govt. might be ended; the king better advised; the realm better governed; misdemeanours more severely punished, and good men better encouraged. How the kingdom might be best defended, the sea best kept, the marches of Scotland best guarded, Gascoigny preserved, and how the charges of these things might be born with the most ease to the people." And then he gave notice, "That those who would complain in that parl. of any thing which could not well be reversed at common-law, might carry their petitions to the clerks in chancery, there named, and appointed to receive them." Then the duke of Gloucester fell on his knees before the king, and said, "That he understood his maj. had been informed, that he was about to depose him and make himself king; and offered to stand to the award and judgment of his peers in parl." Upon this, the king declared, openly, "That he did not think him guilty, and fully excused him." The lords spiritual and temporal, then present, claimed as their liberty and franchise, that all great matters moved in that parl. or to be moved in any future parl. touching peers of the land, should be discussed and judged by course of parl.; and not by the civil or common law of the land used in the lower courts of the kingdom. Which claim, liberty and franchise, the king, in full parl. readily allowed and granted.

[*Five Lords lodge an Appeal against the King's Ministers.*] Then five lords, who were called Appellants, because they were the accusers of the late ministers, whose names were Thomas duke of Gloucester, Henry earl of Derby, Richard earl of Arundel, Thomas earl of Warwick, and Thomas earl of Nottingham, earl-marshal, stood up and made open protestation, in full parl. touching their appeal and suit in that parl. and that what had before been done, by the assistance of the people, in their company, or retinue, "was done principally, to the honour of God, in aid and safety of the king and his kingdom, and the security of all their lives." After this, the lords and commons granted half a 10th and half a 15th, with protestation, that it was done of necessity, and that it might be no prejudice to the lords and commons for time to come, because it was so granted; and further, they prayed the king, that notwithstanding this grant so made, the parl. might hold on its course; and be adjourned if need were; and that all things touching the said parl. might be done and executed, as if the grant had not been made till the end thereof, as in manner accustomed. Which request the king granted. The parl. further gave the king, in defence of the realm, a subsidy upon leather, wool and wool-fells; on condition, that the five Lords Appellants should have out of it 20,000l. by assent and grant of the king, "for their labour and expences, before that time, which they had been at for the honour, profit, and safety of the king and the whole kingdom." The Commons prayed, "That no person, of what degree soever, do intermeddle with the business of the kingdom, nor the king's council, but those assigned in this parl. unless it be by order of the continual council. And also that they might have power to remove all persons from the king whom they thought fit to remove, and put others in their places." To which the king's answer was, "As to the 1st part of the article the king granted it;" and as to the 2nd, "If any lord of the council, or other lord of the kingdom will inform the king that he had about him any person, not sufficient or honest, if it be so proved, he shall be removed and another more able, by his own consent, put in his place."

[*Each Member swears to support the Lords Appellants.*] And now, as a prelude to what was going to be acted, each of the prelates, lords and commons, then assembled, had the following oath administrated to them, upon the rood, or cross, of Canterbury, in full parl. "You shall swear, That you will keep and cause to be kept the good peace, quiet, and tranquillity of the kingdom: and if any will do to the contrary thereof, you shall oppose and disturb him to the utmost of your power. And if any people will do any thing against the bodies of the persons of the five lords; that is to say, Thos. duke of Gloucester, Henry Earl of Derby, Rd. earl of Arundel and Surry, Thos. earl of Warwick, and Thos. earl-marshal, or any of them, you shall stand with them to the end of this present parl. and maintain and support them with all your power, to live and die with them against all men, no person or any other thing excepted, saving always your legiance to the king, and the prerogatives of his crown, the laws and good customs of the kingdom." After the taking of this oath, Easter being near, the parl. was adjourned till 15 days after that festival. Then the 5 Lords Appellants, before mentioned, exhibited the following

*Articles of Impeachment against Alexander Abp. of York, Robert de Vere Duke of Ireland, Michael de la Pole Earl of Suffolk, the Judges, &c.*

"I. That as false traitors to the king and realm, seeing the tender age of our said lord the king, and the innocency of his royal person, they had by many false contrivances, by them without loyalty or good faith imagined and suggested, endeavoured wholly to engross his majesty's affection, and to make him intirely give faith and credence to what they should say, though never so pernicious to himself and his realm, and to hate his loyal lords and people, by whom he would more faithfully have been served; encroaching and assuming to themselves a power to the disinheriting our lord the king of his sovereignty, and impairing his royal prerogative and dignity, making him so far obey them, that he hath been sworn to be governed and counselled by them only; by,

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means of which oath, and the power they have so traitorously usurped, great inconveniences, mischiefs, and destructions have happened, as by the subsequent articles will appear.—II. Whereas the king is not bound to make any oath to any of his subjects, but on the day of his coronation, or for the common profit of him and his realm, the said bp. duke and earl, false traitors to the king and realm, have made him swear and assent to them, that he will maintain and defend them, and live and dye with them. And so whereas the king ought to be of a free condition above any other in his realm, they have brought him more into servitude and bondage, against his honour, estate, and royalty, contrary to their allegiance, and as traitors unto him.—III. The said traitors by the assent and council of Robert Tresylian the false justice, and Nicholas Brembre the false knight of London, by their false covin would not at all suffer the great persons of the realm, nor the good subjects of the king, to speak to, or approach the king, to give him wholesome advice, nor the king to speak to them, unless in the presence and hearing of them, the said duke of Ireland, &c. or two of them, at their will and pleasure, or about such things as they thought fit, to the great disgrace of the nobles and good councellors of the king, and to the preventing of their good will, and service towards the king, thereby encroaching to themselves the royal power, and a lordship and sovereignty over the person of the king to the great dishonour and peril of the king, his crown and realm.—IV. The said abp. &c. by such their false devices and pernicious councils, have diverted the king from shewing due countenance to his great lords and liege people, so that they could not be answered in their suits and rights, without the leave of them the said abps. &c. Thereby putting the king besides his devoir, contrary to his oath, contriving to alienate the heart of our lord the king from his people, that they might engross amongst themselves only the govt. of the realm; whereby they have caused our lord the king, without the assent of the realm, or any desert in them, to have given away by their abatement many lordships, castles, towns, and manors, as well annexed to his crown as others; as particularly the land of Ireland and Okeham, with the forest and lands which did belong to the lord Dandelegh, and great quantities of other lands to the said duke of Ireland, and divers others, whereby they unworthily are vastly enriched, but the king rendered poor, and unable to sustain and defray the charges of the govt. unless by impositions, heavy taxes and tributes laid upon his people, to the disinherison of his crown, and the destruction of the realm.—V. By such encroachment of the said abp. &c. and by the counsel of that false justice Tresylian, and Brembre the false knight of London, they have caused our lord the king to have given away divers manors, lands, tenements, offices, and bailiwicks, to divers other persons their creatures, and such as they could confide in, and to others of whom they have taken great gifts by way of brokage for that purpose, and to stand by them in their false suits and ill purposes, to the great prejudice of the king and realm, such as sir Rob. Mansel clerk, John Blake, Thomas Usk, and divers others.—VI. The said duke, &c. encroaching to themselves the royal power, have caused the king to give very great gifts of gold and silver, as well of his proper goods and jewels, as of the goods and treasure of the realm; as 10ths, 15ths, and other taxes, granted by divers parliaments, to be expended for the defence and safeguard of the kingdom, which yet to the value of 100,000 marks have been lavished away upon the said duke of Ireland, and others. And though many good ordinances and laws have been made in parl. as well for maintaining and carrying on of wars, as for the defence of the realm; yet they have been by them disturbed and defeated, to the great dishonour and damage of the king and realm.—VII. By such encroachment, and the great gifts and brokages taken by the said duke of Ireland, &c. it came to pass that divers unit and insufficient persons were preferred to, and entrusted with the keeping and govt. of divers garrisons, castles and countries involved in war, as in Guyenne and elsewhere, both beyond and on this side the sea, whereby the said strong holds have been lost, the countries wasted, and the people, faithful subjects to the king, destroyed; and great seigniories newly rendered into the hands and possessions of enemies, without the assent of the realm, as the marches of Scotland, &c. to the disinherison of the king's crown, and the great loss of the kingdom, as in Harpeden and Craddock, and divers others.—VIII. By the same means, the said abp. and his fellow-traitors, have caused divers people to be disturbed and deprived of right and the common-law of England, and put to intolerable delays, losses and costs; and the statutes and judgments which rightfully for necessary causes have been made and given in parl. have been reversed and annulled by the procurement of the said malefactors and traitors; and all this because of the great gifts and brokages by them received of parties, to the grand mischief of the king and realm.—IX. The said abp. and other traitors have caused and counselled our lord the king, to grant charters of pardon of horrible felonies and treasons, as well against the state of the king, as of the person injured and prosecuting; which thing is against the king, and the oath of the king.—X. Whereas the said seignories of the land of Ireland are, and time out of mind have been, parcel of the crown of England; and the people of Ireland, liege subjects to our lord the king, and his royal progenitors kings of England, who in all their charters, writs, letters patents, and in all their seals, have for the augmentation of their renown and royalty been entitled lords of Ireland; yet the said abp. &c. as false traitors, by their said encroachment, have caused and counselled our lord the king, as much as in

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him lies, to have granted and fully assented and accorded, that the said Robert de Vere, duke of Ireland, should be made king of Ireland: and to compleat such their ill purpose, have advised and excited our said lord the king to send his letters to our holy father the pope, to grant, ratify and confirm this their traiterous design, without the privity, or assent of his realm of England, and of the said land of Ireland, to the dividing the legiance of the king between his realm of England, and the said land of Ireland; in diminution of his majesty's honourable stile, and open disinherison of the crown of England, and full destruction of the lawful liege subjects of our lord the king, and of the said land of Ireland.—XI. Whereas by the Great Charter, and other good laws and usages of the realm of England, no man is to be taken, nor any prisoner put to death without the due process of law; the said Nich. Brembre, the false knight of London, did take by night certain prisoners, to the number of 22, out of the gaol of Newgate, some of them being indicted and appealed of felony, and some approvers in cases of felony, and some on suspicion of felony, and carried them out of London into Kent, to a place called Foulhoke; and there encroaching on the royal power, and in defiance of the said laws, as a traitor to the king, did without any process of law, cause them all to be beheaded, except one who was appealed of felony, by an approver, whom he set at large at the same time.—XII. The aforesaid abp. and other traitors have in small causes taken great gifts in the name of the king, of divers parties, to maintain and abate them in their suits and quarrels, and sometimes have played the ambo-dexters, and taken money of both sides.—XIII. Whereas divers of the great lords, loyal subjects to the king, in divers parliaments, seeing the dangers, and apprehending the destruction threatening the king and realm, by means of the mischiefs of these malefactors, have moved to have good governance under the king, to avoid the said perils: the forenamed abp. and other traitors, by their encroachments and fatal influences, have so ordered matters, that the king has not only been deaf to all such persuasions, but also has commanded some of those that moved it, to depart from his council, and to speak no more of such matters, nor touching the good governance of the king and kingdom, on pain of death; to the great prejudice of the king and kingdom.—XIV. Whereas in the last parl. all the lords and other sages there assembled, (seeing the loss and destruction of the king and realm, and the perils and mischiefs aforesaid; and that the king was departed from the council of the realm, and wholly abandoned himself to the counsels of the said malefactors and traitors; by means whereof the French king had ships, and a royal power on the sea, ready to have arrived in England, the said realm, and the very language of England to destroy; and that no provision was made, or good governance taken for the safety of the king nor realm,) finding no other remedy, did remonstrate to the king very fully, how he was ill-advised, and affairs most perniciously managed by the aforesaid traitors and malefactors, declaring to him their wicked conditions; and most humbly beseeching him for the safety of himself, and of all his realm, and avoiding the said impending dangers, to forsake and turn these traitors from his presence and company, and no longer to conduct himself after their evil council; but to hearken to the sage, loyal, and discreet persons of his realm: whereupon the said abp. and other traitors, to defeat this wholesome advice of the parl. by their false council did then cause the king to command the mayor of London suddenly to levy a great power of the people of that city, to attack and put to death all the said lords and commons, except such as were of their cabal: at the execution of which villainy, the said great malefactors and traitors should be present and parties, to the scandal and great disservice of the king and his realm.—XV. When the said abp. and other traitors perceived that the said mayor and good people of London, had openly refused in the presence of the king, to accomplish such their treachery and lewd purposes, touching the murder of the said lords and commons: they then by such their traiterous encroachment falsely advised the king, and so far prevailed, that our lord the king did absent himself from his parl. for many days, and did certify them, "That he would never approach the said parl. nor commune with the said lords and commons touching the affairs of the realm, for any danger, loss, or mischief that might happen to him or his realm, unless he were first assured by the said lords and commons, that they would not say nor act any thing in that parl. against any of the said malefactors, save only in the process which was begun against Mich. de la Pole: all which was to the disservice of the king and his realm, and contrary to the ancient ordinance and liberties of parl.—XVI. The said lords and commons of the realm, after they found the king's will by the malignant counsel and excitement of the said abp. and other traitors to be such, that he would not suffer any thing to be commenced, prosecuted, or done against the said malefactors and traitors; were pleased to acquiesce, and not proceed therein any further against his pleasure. And afterwards in the said parl. taking the advice and counsel of all the lords, judges, and other sages and commons of the said parl. how the estate of the king and his royalty might best be preserved from the perils and mischiefs aforesaid, could not find any apter expedient, than to ordain, that 11 of the loyal and sage lords of the land, should be of council to the king for one year then next ensuing: and that there should be made during that time, a statute and commission, whereby they should have full and sufficient power to order matters for the govt. of the king and of the realm, and what appertained to the king, as well on this side as beyond the seas: and to

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repel, repair, and redress whatever should have been ill done against the estate, honour and profit of the king and kingdom, and to do divers other things necessary for the king and realm, as in the commission thereupon issued, and remaining of record in chancery, is contained. And that no person should presume to counsel the king, or any way move him against the said ordinance and statute, on pain of forfeiting for the 1st offence, all their goods and chattels, and pain of death for the 2nd: such expedient and ordinance to be made, if it would so please the king, and not otherwise. To which ordinance or statute, all the judges of the land agreed, and gave their consent unto, and advice for the same, as well in presence of the king, as of the lords. And also, our lord the king did fully give his assent to the same; and thereupon the said ordinance, statute and commission, were made and accorded unto by the assent of the king, and of the said lords and judges, and other sages and commons assembled in that parl. for the safety of the king, his royalty and realm. And yet after the end of the said parl. the aforesaid traitors and malefactors by such their evil encroachments, falsely and traiterously did inform the king, that the said ordinance, statute and commission were made in derogation of his royalty; and that all those who procured or advised the making thereof, or counselled the king to assent thereunto, were worthy of death as traitors to the king.—XVII. That after this, the said traitors, the abp. bp. &c. caused the king to assemble a council of certain of the lords-justices and others, without the assent or presence of the said lords of the great council, to whom they made many demands, and very much suspicious, touching divers matters, whereby the king, the lords and the common people have been involved in most grievous trouble, the whole realm disquieted, and the hearts of many withdrawn from the king, saving their allegiance.—XVIII. To accomplish the said high-treasons, the said traitors, the abp. &c. caused the king to go with some of them throughout the midst of his realm, and to make the lords, knights, esqrs, and other good people, as well in cities and boroughs, as in other places, to come before him, and there to become bound, some by obligation, others by their oaths, to our said lord the king, to be with him against all people, and to accomplish the purpose of the king which at that time was to accomplish the will and purposes of the said malefactors and traitors, drawn in thereunto by their false contrivances, flatteries and deceits: which securities and oaths were made against the good laws and usages of the land, and contrary to the oath of the king, to the great dishonour of the king and kingdom; by means of which oaths so inforced, the whole realm was embroiled in great murmurs and trouble by the said traitors, and in danger to have suffered divers important mischiefs.—XIX. To inforce their purposes, the said traitors caused the king to absent himself in the furthest parts of his realm, to the intent that the lords appointed by the said ordinance, statute and commission, might not confer and advise with him touching the affairs of the realm: to the interruption and hindrance of the purport and effect of the said statute and commission, and great prejudice of the king and realm.—XX. The said malefactors and traitors, after they had estranged both the person and good will of the king, from the said lords so commissioned, and that he esteemed them traitors and enemies: and that they had obtained the opinions of the judges suited to their wicked purposes, did agree and design, that several of the lords, and also divers loyal commons, should be first arrested and then indicted in London and in Middlesex, and by false inquests attainted of certain treasons falsely imagined against them, and so put to shameful death: to which purpose they had procured an evil and false person of their conspiracy, called Thomas Usk, to be under-sheriff, by whose means the said false inquests were to be taken, and the wicked design accomplished by colour of law. And for the more compleat effecting thereof, they caused the king to send his letters of credence by John Rypon, a false clerk, and one of their crew, directed to the mayor of London, that he should seize the duke of Gloucester, and others therein named, to be indicted for certain treasons, in such manner as the said Nich. Brembre the false knight, and John Blake, who were thereof fully informed, should direct: by virtue of which letters of credence, Brembre and Blake carried to the mayor the said false indictment, commanding him on behalf of the king, that to his power he should promote the same: and also they ordered, that a strong watch should be set, to seize the duke of Lancaster upon his first arrival.—XXI. The said traitors having traiterously informed the king, that he should believe that the said ordinance, statute and commission, were made in derogation of his royalty and prerogative; did further persuade him, that the same was made with an intention to degrade, and finally to depose our lord the king: and perceiving that thereby he looked upon his loyal lords as traitors and enemies; they yet further advised him, that by all means possible, as well by the power of his own liege people, as by the force of his enemies, the French and others, he should destroy and put to death the said lords and others, that assented to the making of the said ordinance, and that the same might be done so privily that none should know of it till it was done.—XXII. In order to these treasons, by their counsels they caused the king to send letters to his enemy the French king, some by Nich. Southwell, groom of his chamber, and others, by other persons of base condition, as well aliens as denizens, requiring and praying the said French king, that he would with all his power and counsel, aid and assist our lord the king, to destroy and put to death the said lords and others, whom they had so falsely represented as traitors, to the great disturbance of the

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whole realm.—XXIII. That usurping to themselves royal power, they caused the king to promise the French king by his letters patents and messages, for such his assistance, to accomplish the said treason and murder, to give and surrender to the said French king, the town and castle of Calais, and divers other forts and places; as Brest, Cherburgh, and others, &c. to the great dishonour, trouble and prejudice of the realm.—XXIV. That after this traiterous contrivance, it was agreed between our lord the king and the French king, by the instigation and influence of these traitors, that a parley or interview should be had in the marches of Calais, and a truce of 5 years between the realms of England and France: at which interview, by treachery, the said lords and others whom the king took for traitors, attending him thither, should there be slain. In order to which they procured several letters of safe conduct from the said French king, for the said duke of Ireland's going into France, to accomplish this ill purpose and treason, which letters are ready to be shewn.—XXV. That the said Brembre, by the assent and council of the said other traitors, did come into London, and without the assent or knowledge of the king, did cause all the companies of the city to be sworn, to hold and perform divers matters, as they are contained in the said oath, which is of record in chancery: and amongst other things, that they should hold with and maintain the will and purpose of the king to their power, against all that are or shall be rebels, or contrary to his person, or royal pleasure: and that they should be ready to destroy all those which do or shall purpose treason against our said lord the king, in any manner; and be ready with their mayor to resist during life, all such traitors, &c. At which time the king, by the mis-information of the said evil-doers and traitors, and by the false answers of the judges, did firmly hold the said lords and others, who assented to the making of the said ordinance, statute and commission, to be rebels, traitors, and enemies unto him: by all which, the said traitors endeavoured to stir up the said people of London, to destroy the said lords and other loyal subjects. —XXVI. The said Brembre and other traitors to the king and realm, usurping to themselves royal power, did of their own authority, without any warrant from the king or his great council, cause proclamation to be made through the city of London, that none of the liege subjects of our lord the king, should sustain, comfort, or aid Ed. earl of Arundel and Surrey, one of the lords of the king's great council, during the said commission; nor sell him any armour, victuals, or other necessaries, on pain of being proceeded against as rebels, carrying about and shewing a patent of the king's, but of another tenor; the better to compass such their false proclamation.—XXVII. They also caused it to be cried and proclaimed in the city of London, that no person should be so hardy as to presume to speak any ill, or utter any word or expression against them the said malefactors and traitors, or any of them, on pain of forfeiting all they had; which was an encroachment on the royal power.—XXVIII. The said abp. chief justice, and other traitors, caused the king to command his council to make certain persons throughout England sheriffs, who were named to him by them the said traitors, with an intent to get such persons as they should name returned for knights of the shire to serve in parl. and to keep out from thence gentlemen good and loyal, against the good laws and customs of the land.—XXIX. The said traitors, during the time that the king had so taken both parties into his protection as aforesaid, did falsely counsel and prevail with the king to command by his letters divers knights and esquires, sheriffs, and other ministers of several counties, to levy men, and assemble all their power, to join with the said duke of Ireland, against the said three lords now appealing, suddenly to make war upon and destroy them. —XXX. During the time of the same protection, they caused the king by his royal letters, to signify to the said duke of Ireland, not only that he and others were appealed of treason as aforesaid; but also that he should have sufficient power to guard him, and come with him to the king. And afterwards caused him to write again to the said d. of Ireland, that he should take the field with all the forces he could assemble; and that the king would meet with all his troops, and would expose and venture his royal person: and that the king was in great peril for himself and his realm, unless succoured and aided by the said duke: and that the said duke should shew and declare to all the people assembled with him, that the king would bear and pay all debts and costs of the said duke of Ireland, and all that joined with him. By virtue of which letters, and the evil and traiterous instigation as well of the said duke, as of his adherents and other traitors, the said duke of Ireland did actually levy and assemble great numbers of men at arms, and archers, as well of the counties of Lancaster, Cheshire, and Wales, as of other places of the realm, in warlike manner, to destroy and put to death the said lords, who had consented to the making the said ordinance, act of parl. and commission, in defeace of the king and realm.—XXXI. That having thus traiterously levied forces, the said duke marched with them through the midst of England, and usurping the royal power, did cause the king's banner to be displayed before him, contrary to the estate of the king, and of his crown. In which march the said duke and his accomplices were by the grace of God disturbed, and prevented from their evil purposes.—XXXII. That the said duke of Ireland, by the counsel and abetment of the rest of the forenamed traitors, encroaching to himself the royal power, without the usual commission of the king, or other sufficient warrant, did make himself justice of Chester, by him and his deputies to hold there all manner of pleas of the crown, and thereupon to give judgment and award execution:

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and also caused divers original and judicial writs to be sealed with the great seal of the king in that behalf used: and thereby compelled a great part of the people of those counties to join with him, or otherwise put some of them to grievous and tormenting death, imprisoned some, and seized the lands of others, &c. And all this to make war and destroy the said lords, and other loyal subjects of the king, and against the defence of the realm.—XXXIII. That the said traitors have caused the king to grant great retinues to divers people, and give them badges and ensigns otherwise than ever was used in the time of any of his progenitors; and this with design to gain greater power to accomplish their treasons.—XXXIV. Fully to complete all such their before-mentioned and other treasons, and to make the king wholly confide in, and rely upon them and their counsels, they caused the king to call before him divers justices and people of the law; that is to say, Rob. Tresilian, Robert Belknap, John Cary, John Holt, Roger Fulthorp, Wm. Burgh, six justices, John Locktan, serjeant at law, and John Blake: of whom he did by the contrivance of the said traitors, demand, Whether the before-mentioned act of parliament and commission were made in derogation of his royalty and prerogative, or not? and several other questions; to which they answered in manner and form before set forth," &c.

[*Proceedings thereupon.*] This Impeachment was exhibited the 3d of Feb. being the 1st day of the parl. when the lords Appellants also affirmed, "They were ready to prove every article of it, as should be awarded in parl. to the honour of God, and the advantage and profit of the king, and the whole realm." Whereupon all the persons appealed, were, by command of the king and lords, solemnly summoned in the great hall at Westminster, as also at the gates of the said palace, to come in and answer the said Appellants; but upon their non-appearance, the said duke and lords Appellants prayed, that their default might be recorded. Then, upon the said Appellants alledging, that the accused had full notice of the said appeal, and the king and lords being satisfied it was so, by reason they did not appear, their default was recorded accordingly; whereupon the said duke and earls Appellants prayed the king and lords, 'that they might be adjudged and convicted of the treasons contained in the said appeal.' Then the king commanded the lords to examine the articles severally, which they did with great labour and diligence, until the 13th of February.

During this interval, the justices, serjeants, and other sages of the law, both of the realm and of the civil law, were charged by the king to give their faithful advice to the lords of parl. how they ought to proceed in the said appeal. Who answered, "That they well understood the tenor of the said appeal; and affirmed, that it was not made nor brought according as the one law or other required. Upon which, the said lords of parl. having taken deliberation and advice, it was by the assent of the king, with their common accord declared, "That in so high a crime as is laid in this appeal, and which touches the person of the king, and the estates of this realm, and is perpetrated by persons who are peers thereof, together with others, the cause cannot be tried elsewhere, but in parl. nor by any other law, or court, except that of parl.; and that it belongs to the lords of parl. and to their free choice and liberty, by ancient custom of parl. to be judges in such cases, and to judge of them by the assent of the king; and thus it shall be done in this case, by award of parl. because the realm of England is not, nor ever was (neither is it the intent of the king, and lords of parl. that it shall ever be) ruled or governed by the law civil; and therefore it is not their intent, otherwise to proceed in so high a case as this appeal, which cannot be tried or determined any where else than in parl.; since the process or order used in inferior courts, is only as they are entrusted with the execution of the ancient laws and customs of the realm, and the ordinances and establishments of parl.; and it was the judgment of the lords of parl. by assent of the king, that this appeal was well and duly brought, and the process upon the same was good and effectual, according to the laws and course of parliament, and by which they will award and judge it."

Upon this, the Appellants again moved the king and lords to record their default; and that Nich. Brembre, who was the only person in custody, might be brought to answer. Then the other persons appealed were again summoned to come in and make answer, but they did not appear; nevertheless the king and lords took time to deliberate till the 5th of Feb. at which time the said Appellants again prayed, that the default of the Appealed might be re-recorded; which was done accordingly. After which, the abp. of Canterbury, in behalf of himself, and all other the suffragan bishops, with the abbots, priors, and other prelates, holding of the king by barony, made protestation, and delivered it in writing, "For the saving of their right of peerage, and sitting and voting in parl. notwithstanding they could not now be there, by reason of certain matters then in agitation, at which, by the canons, they could not be personally present." The like protestation was made by the bps. of Durham and Carlisle; which protestation being at the instance of the abp. and other prelates, read in full parl. was by the command of the king, and assent of the lords temporal, entered in the rolls of parliament. See Rot. Parl. No. 9 et 10.

On the 13th of Feb. the king and lords of parl. being met again in the Whitehall, the said Appellants prayed, that the last default of the said abp. duke, and earl, with Rob. Tresilian, should be recorded. Then the persons accused being again summoned, the third time, and not appearing, the lords proceeded to judgment, and declared, "That divers of

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the articles therein contained, were treason, as the 1st, 2d, 10th, 11th, 14th, 16th, 17th, 22d, 23d, 24th, 29th, 30th, and 31st articles;" and then upon due information of their consciences they pronounced the said abp. duke, and earl, with Rob. Tresilian, "to be notoriously guilty of each of the said articles that concerned them; and that they were also culpable in all the rest of the articles contained in the said appeal, not yet declared treason." Then in presence of the king, and lords assembled, at the day and place aforesaid, the said duke and earls Appellants prayed the king, and lords there present, "That the persons so appealed, as aforesaid, should be adjudged convicted of the High Treason contained in the said appeal." Wherefore the said lords of parl. there present, as judges of parl. in this case, by assent of the king, pronounced their sentence, and did adjudge the said abp. duke, and earl, with Rob. Tresilian, so appealed as aforesaid, "to be guilty and convicted of treason, and to be drawn and hanged as traitors, and enemies to the king and kingdom, and that their heirs should be disinherited for ever, and their lands and tenements, goods and chattels, forfeited to the king; and that the temporalities of the abp. of York should be taken into the king's hands;" and because the like case had not been seen in the kingdom, concerning the person of an abp. or bp. the lords would advise by the assent of the king what they should best do, for the honour of God, and of holy church, and the safety of the laws of the land, about him.

Then the duke and earls Appellants prayed that sir Nich. Brembre might be brought to answer, and on Monday the 17th of Feb. the constable of the tower brought him into the parl. where the articles of appeal were read before him, to which he pleaded not guilty in any point, and said, "he was there ready to make good what he said by his body, as a knight ought to do." The lords answered, "Battle did not lie in that case, and that they would examine the articles touching the said Nicholas, and take true information by all true, necessary and convenient ways, that their consciences might be truly directed what judgment to give in this case, to the honour of God, the advantage and profit of the king, and his kingdom, and as they would answer it before God, according to the course and law of parl."

On the 19th of Feb. sir Rob. Tresilian was taken, being concealed in an apothecary's house in Palace-yard, and brought into parl.; who being asked if he had any thing to say which had happened since judgment had passed upon him, why execution should not be done? and he having nothing to say, it was commanded, "That he should be carried to the Tower, and from thence drawn upon a hurdle through the city of London, to the gallows at Tyburn, and there to hang by the neck; and that the execution should be done upon him by the marshal of England, taking to his assistance the mayor, sheriffs and aldermen of London:" and he was executed the same day accordingly.

On the 20th of Feb. sir Nich. Brembre was brought into parl. and the lords upon diligent examination, due proof and information, found him also guilty of high treason, and they awarded by assent of the king, "That as a traitor, and open enemy to the king and kingdom, he should be drawn and hanged, his heirs for ever disherited, and his lands and tenements, goods and chattels forfeited to the king." He was executed on the same day accordingly, and in the same manner as was sir Rob. Tresilian.

*Resolution of Parl. for saving the King's honour.*] It was then resolved to be the intention of the lords of parl. spiritual and temporal, as well the lords Appellants, as all others, and by them agreed, "That considering the tender age of the king before that time, and the innocency of his royal person, nothing contained in the appeal, nor in any article thereof, nor in the judgment given, should be accounted any fault or dishonesty in his person, in any manner, for the causes abovesaid, nor should turn in prejudice of his person by any contrivance or interpretation whatever; but that the false treason and default abovesaid, should be charged upon the appealed, and that the judgments given against them should have full force and virtue, notwithstanding any thing that could be said or alledged to the contrary."

*Sir Rob. Belknap, chief justice, and others impeached.*] On the 2d of March, sir Rob. Belknap, late chief justice of the common bench, sir Roger Fulthorp, sir John Holt and sir Wm. Burgh, late his companions of the same bench: sir John Cary, late chief baron of the exchequer, and John Lockton, late serjeant to the king, were accused and impeached by the commons in parl. "for putting their hands and seals to the questions and answers given at Nottingham as aforesaid, by the procurement of the said appealed and convicted persons of treason, to cover and affirm their high treasons, &c. a copy whereof was exhibited and read before them, and that questions were answered, as was surmised by the commons in the said copy;" to which the Appealed replied, "They could not deny, but that the questions were such as were then asked them, but the answers were not such as they put their seals to." But sir Rob. Belknap pleaded in particular, "That the abp. of York, in his chamber at Windsor, told him, that he had devised and drawn up the commission and statute, whereby the govt. was wholly taken out of the king's hands, and that he therefore hated him above all men, and that if he found not some way to make void the said statute and commission, he should be slain as a traitor." He answered, "That the intention of the lords, and such as assisted at the making of them, was, that they should be for the honour and good govt. of the state of the king and kingdom: that he twice parted from the king dissatisfied, and was in doubt of his life, and said these answers pro-



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ceeded not from his good will, but were made against his mind, and were the effects of the threats of the abp. of York, duke of Ireland, and earl of Suffolk; and that he was sworn and commanded in the presence of the king, upon pain of death, to conceal this matter, as the council of the king;" and prayed for the love of God he might have a gracious and merciful judement. Sir John Holt alledged the same matter of excuse, and made the same prayer, so did Sir Wm. Burgh and sir John Cary; who all made the same excuse, and the same requests, as did also sir Roger Fulthorp and John Lockton serjeant at law. To all which the commons answered, "They were taken and holden for sages in the law, and the king's will was, that they should have answered the questions as the law was, and nor otherwise, as they did, with design and under colour of law, to murther and destroy the lords, and loyal liges, who were aiding and assisting in making the commission and statute in the last parl. for the good govt. of the state of the king and kingdom;" and therefore the commons prayed they may be adjudged, convicted and attainted as traitors. Upon which the lords temporal took time to examine the matter and circumstances of it; "and for that they were present at the making of the said statute and commission, which they knew were contrived for the honour of God, and for the good govt. of the state of the king and whole kingdom; and that it was the king's will they should not have otherwise answered them than according to law, and had answered as before:" they were by the lords temporal, by the assent of the king, adjudged "to be drawn and hanged as traitors, their heirs disherited, and their lands and tenements, goods and chattels, to be forfeited to the king."

The next day John Blake and Tho. Usk were brought into parl.; and first John Blake was impeached by the commons, "that being retained of council for the king, he drew up the questions, to which the justices made answer, and contrived with the persons appealed, that the lords, and other the king's loyal liege that caused the said commission and statute to be made in the last parl. should be indicted in London and Middlesex for treason; and that they should be arrested and traitorously and wickedly murthered; and that he was aiding and advising in the treasons aforesaid, with the Appealed already executed." Then Tho. Usk was accused "for procuring himself to be made under-sheriff of Middlesex, to the end to cause the said lords and loyal liege to be arrested and indicted, as had been said before, and was aiding and counselling the appealed in the treasons aforesaid." John Blake answered, "that he was retained of counsel for the king, by his command, and sworn to keep secret his advice; and whatever he did it was by the king's command, whom he ought to obey;" and Tho. Usk gave the same answer. Whereupon the lords temporal took deliberation until the morrow, when the said John and Thomas were again brought into parliament; and the lords pronounced them guilty of the things whereof they were accused. And, "whereas they alledged for their excuse the king's command, it made the crime the greater; for that they knew well that the persons appealed and condemned had encroached to themselves royal power; and it was their command and not the king's." Then the lords awarded, by assent of the king, 'that they should both be hanged and drawn, as traitors and open enemies to the king and kingdom, and their heirs disherited for ever, and their lands and tenements, goods and chattels, forfeited to the king;" and they were executed the same day.

On the 6th of March, sir Rob. Belknap, sir Roger Fulthorp, sir John Holt, sir Wm. Burgh, sir John Cary and John Lockton, were brought into the parl. and the lords were satisfied, "that they were at the making of the said commission and statute in the last parl. and sir John Cary knew well they were made to the honour of God, and the good govt. of the state of the king and the whole kingdom," and so on, as in the other processes; and they had judgment again passed upon them as before. But at that very time came in the abp. of Canterbury, and all the bps. of both provinces, and prayed the lords temporal, "that the execution as to their lives might be respited, so that they might obtain their lives of the king:" who thereupon ordered execution should be stayed, and granted them their lives. But as to the other part of their sentence, "that was to remain in force, and their bodies to be in prison during the king's pleasure; until by advice of the lords he should direct otherwise."

*The Bp. of Chichester and others impeached.*] The same day Tho. Rushooke, bp. of Chichester, the king's confessor, was impeached and accused by the commons, "that he was present at the places and times when the said questions were put to the justices, &c. and the answers made, and excited them by threats to answer as they did, and knew the false purposes and treasons designed by the traitors adjudged, and aided and assisted them, and would not make discovery to any of the lords that caused the said commission to be made last parl. whereby remedy might have been had for the safety of the king and kingdom." To which the bp. answered, "that of his own free will he had not excited them to do or say any thing;" and further said, "they were not excited or charged to say any thing but what the law was; and touching the concealment of the treason, he had made such assurance as he could not discover." And said further, "that the traitors were about the king, and had such power over him before, that he had not so great interest in the king, as to prevent those mischiefs that now came upon him." The commons replied, "he had upon the matter confessed himself guilty, and prayed he might be attainted." Upon this answer of the bp. the replication of the commons, and all

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circumstances of the accusation, the lords took time to give such judgment as might be for the honour of God, and profit of the king and kingdom.

On the 12th, Simon Burley, J. Beauchamp of Holt, J. Salisbury, and J. Berners, knights, being brought into parl. they were at the instance of the commons impeached. The articles exhibited against them were 16; the first art. in the appeal was the first art. in the former impeachment. In the 2nd art. they were accused "as traitors and enemies of the kingdom, for that they knew of all the treasons in the appeal mentioned, and that they were aiding, assisting, counselling, and assenting to all the traitors attainted; and that Simon Burley and J. Beauchamp were principal actors in all the said treasons." In the 8th art. they were accused "for conspiring and designing with the 5 persons appealed, to destroy and put to death those who were assenting to the making of the said commission and statute in the last parl." To which they all pleaded not guilty. The commons replied, "they were guilty;" and the lords took time to examine and consider the impeachment. Upon this, and the bp. of Chichester's impeachment, the lords temporal adjourned till the 5th of May, when sir Simon Burley being brought into the parl. was by the lords, after due and sufficient examination and information, found guilty of treason. Besides the articles before-mentioned, he was charged "with advising the king to entertain in his household great numbers of aliens, Bohemians, and others; and to give them large gifts out of the revenues and profits of the realm, whereby the king is greatly impoverished, and the people otherwise oppressed." For which he was sentenced to be drawn and hanged, and his head cut off; and all his lands and tenements, goods and chattels, to be forfeited to the king. But his maj. remitted his drawing, hanging, and quartering, because he was a knight of the order of the garter; so his head was only severed from his body the same day upon Tower-hill. J. Salisbury, J. Beauchamp, and J. Berners, knights, had the same judgment as sir Simon Burley, but the two latter were beheaded.

*The Bp. of Chichester and the Judges banished.*] At the same time was the bp. of Chichester sent for into parl. where the lords temporal found him guilty of treason, as it was laid in the impeachment; and by assent of the king, they awarded his heirs should be disherited, his lands, tenements, goods, and chattels forfeited to the king, and the temporalities of his bishoprick seized into the king's hands; but as to his person, the lords would advise what to do, for the honour of God, and holy church, and the safety of the state of prelacy, and of the laws of the land. Then it was resolved, "that this bp. sir Rob. Belknap, sir Roger Fulthorp, sir Jn. Holt, sir Wm. Burgh, sir Jn. Cary, and Jn. Lockton, should be all sent into Ireland, to several castles and places, there to remain during their lives. Sir Rob. Belknap and sir Roger Fulthorp to be allowed 40*l.* a year; sir Jn. Holt and Wm. Bargh 40 marks a year; sir Jn. Cary and Jn. Lockton 20*l.* a year of the king's gift, and each of them to have two servants to wait on them; and that the bp. of Chichester should have annually 40 marks for his sustenance during his life, if any of his friends would give it him."

*Petitions of the Commons.*] Then upon a petition of the commons, "the said ordinance and commission made the last year were confirmed, and likewise all that was done in that parl. and also what the duke of Gloucester, earls of Warwick, Arundel, Derby, and marshal, or any of them had done, or any of their company, or their adherents, or any of them, by their assemblings, ridings, or marching in arms, appeals, or pursuits, as things done to the honour of God, the safety of the king, maintenance of his crown, and support of the whole kingdom; and also in pursuance of the same petition, had a full pardon for all things that they had done or committed." Upon a 2nd petition, "all those that had been of the retinue, company, aid, counsel, assent, or adherence of them that were attainted or judged in this parl. for all things they had done were pardoned, except those therein named." A 3rd petition was delivered by them in the same parl. "that the appeals, pursuits, accusations, process, judgments, and executions made and given in this parl. should be approved, affirmed, and established, notwithstanding the lords spiritual were absent; and that by imagination, interpretation, or any other means, none of the same be reversed, broken, or annulled in anymanner; and whosoever should endeavour to break, annul, or reverse any of them, should be adjudged to have execution as a traitor, provided always that this acceptance, approbation, affirmance, and establishment, touching appeals, pursuits, accusations, process, judgments, and executions be in force in this case only, and that they be not drawn into example or consequence for the future. And divers points were declared for treason in that parl. which were not declared by statute before; yet no justice should have power to give judgment in other cases of treason, nor in other manner, than they had before the beginning of this parl." Another petition was, "that none of the traitors attainted by the appeal or accusations of the commons who were then alive, should ever be restored to the law, by pardon, or any other manner, saving the grace and pardon that was made in this parl.; and any one that should endeavour to have such a thing done, should be judged, and leave execution as a traitor." The Answer to all these petitions was, "that the king, by the assent of the lords and commons, granted their petitions in all points, and willed his grant should be firm and stable, according to the contents of the petitions, without blemish for ever."

*The King renews his Coronation Oath.*]—Then the commons prayed the king, "That

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for the securing of peace and quiet for the future in all parts of the nation, that he would please to renew his Coronation-Oath, and that the prelates might renew their fealty, and the lords temporal their homage, notwithstanding they had done it before; which was also assented to." The preparation and introduction to this great ceremony, was with the mass of the Holy-Ghost, sung in the church of Westm. on the 3d of June, being the 21st day of the parl. After mass was ended, and a sermon preached by the abp. of Canterbury, the king of his free will renewed his Coronation Oath with great solemnity in the said church; at which time the prelates swore fealty to him, and the temporal lords did him homage; and then the prelates, lords and commons openly took a new oath, as followeth: "You shall swear that you will not assent, nor suffer, as much as in you lies, that any judgment, statute or ordinance made in this present parl. shall in any manner be annulled, reversed, or appealed, in any time to come; and further, that you will support the good laws and usages of the kingdom, and to your power firmly keep and cause to be kept the good peace, quiet and tranquillity of the kingdom, without disturbing it in any manner. So God you help, and the holy Saints." Then the abp. of Canterbury, and prelates excommunicated all such as should break the peace and quiet of the realm, and do contrary to this oath, which was not only taken by every member of both houses, but also imposed upon all gentlemen, and dignified persons of the clergy in all counties in England; and upon all the mayors, bailiffs and aldermen of cities, boroughs, and towns, by the king's writ, directed to the sheriff; and one special commissioner to administer it. Thus ended this famous parl. after a longer session than any we have yet met with, having sat, with a short prorogation, near 5 months. The lords and commons gave their most humble thanks to the king for his great justice done; and his maj. by the chanc. returned the compliment for their liberal grants. After which, the knights and burgesses were ordered to sue out writs for their expences.

*A new Parliament called.*] The king thought fit to call another parl. to meet on the 9th of Sept. at Cambridge. In this parl. there was granted to him half a 10th from the clergy, and half a 15th from the laity, in order to carry on the war against Scotland for the next year. Mr. Collier says a 15th was given by the laity this parl. on condition the clergy would grant a 10th. But, that the abp. and his suffragans, looking upon this precedent as a new incumbrance upon their property, refused to be tied to it. Upon which the conditional clause was thrown out of the bill. There were also several new statutes made for the common benefit of the people, and others renewed which had been enacted in the time of Edw. III. particularly the statutes of labourers and day-servants; of bailiffs and all sheriff's officers; of provisors against going out of the land to the pope, to procure the grant of any benefices in England without the king's leave, on penalty of being put out of his protection; against beggars; and against riding armed, and giving of liveries to great retinues; and, lastly, about regulating apparel suitable to every man's distinct rank and quality. "This last affair," Knyghton says, "was absolutely necessary at that time; for there was so much pride amongst the common people in vying with one another, in dress and ornaments, that it was scarce possible to distinguish the poor from the rich, the servant from the master, or a priest from another man."

*A new Parliament called.*] On the 6th of Dec. 1389, writs were issued out for calling a parl. to meet at Westminster, in Jan. following. Wm. of Wickham, bp. of Winchester, the new lord chanc. by the king's command, opened the cause of the summons to the estates, "declaring the king to be of full age, and that he intended to govern his people in peace and quiet; to do justice and right to all men; and that both clergy and laity should enjoy all their liberties. He further told them, that the kingdom being environed with enemies in France, Spain, and Guienne, on one side, and Scotland and Ireland of the other, it was now their business to consult which way peace was to be had, or a proper defence made against them. Likewise, how an aid was to be had to sustain the charges thereof, without which nothing could be done." On the 20th of Jan. the bp. of Winchester delivered up the seals of his office to the king, before both houses; as did also the bp. of st. David's, being treasurer, the keys of the exchequer; and prayed that they might be discharged. After which resignation, it was openly declared, in full parl. that if any person could justly complain of any illegal action, or any thing done amiss by them in their several offices, they might freely do it. But when both the lords and commons answered, "that they knew nothing amiss against them, and that they had behaved themselves well in their respective offices," the king, thereupon, delivered back the seal and the keys of the exchequer, to the aforesaid bps. and again received all those to be his counsellors that were so before, together with his uncles of Lancaster and Gloucester. However, he thought proper to make a protestation "that, for any thing then done he would keep, or remove, any of those counsellors at his pleasure."

In this parl. the king created John duke of Lancaster, duke of Aquitain in Normandy, to hold the said dukedom of the king, saving only to his maj. as king of France, the direct dominion, superiority, and resort of the said dutchy. The ceremony was performed in full parl. by investing him with a cap, a coronet, and a ducal rod. The duke paid homage to the king, and humbly thanked him for the great honour he did him; but at the same time declared, that though he could not maintain the state of the dukedom, in time of war, without the aid of

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the king and realm, however he would do what he could, to the utmost of his power. Whereupon the king told the duke, that the charges should be born as he and his council could agree. To which the commons willingly assented. At this time also, by consent of parl. the king created Edw. eldest son to the duke of York, earl of Rutland; and gave him, towards the support of this dignity and during his father's life, 800 marks yearly, issuing out of the castle, town and demesnes of Okeham in that county, with the office of sheriff.

The two abps. of Canterbury and York, for themselves and the whole clergy of their provinces, made protestation, in open parl. that they neither intended or would assent to any statute or law to be made against the pope's authority; which protestation, at their request was entered upon the roll. In this parl. the court of Rome had also some shackles put upon statute of Provisors, made 25 Edw. III. was revived, and a penalty laid on him that should accept a benefice contrary to that statute. Likewise, a forfeiture awarded against any who should bring a summons, or excommunication, against any person on the provisors, and on a prelate for executing of it.

*A Subsidy granted.*] There was also a subsidy granted of 40s. on every sack of wool; of which 10s. should go to supply the king's present occasion; and the other 30s. to be reserved in the hands of commissioners appointed by parl. not to be expended unless the necessity of the war required it. There was also granted to the king this parl. for one year, of every sack of wool from a denizen 1l. 2s. 8d. of every alien 1l. 18s. 4d. of every last of skins from an alien 3l. 13s. 4d. from a denizen, for every 240 wool-fells 1l. 13s. 4d. from an alien 1l. 16s. 8d. on every tun of wine, imported or exported 6d.—See Cotton's Abridg. p. 332.

*A Parliament called.*] The king summoned a parl. to meet at Westminster on the 12th Nov. 1390. The bp. of Winchester, ld. chanc. informed them, "That the chief cause of the summons was concerning a truce made with France, and towards Candlemas the king would send commissioners over to treat of a final peace." He said, "That the Scots had been moved to come into this truce, which they refused; so there was nothing but war to be expected from thence; the charges whereof, with that of Ireland, keeping the king's fortresses abroad, and the seas at home, were so great, that the king could by no means without their aid sustain it. Wherefore he desired them to consult about these particulars, as well as the making ordinances for good laws, &c." Accordingly, they granted to the king one half 10th from the clergy, and a whole 15th from the laity, to go towards the expences of the duke of Lancaster; who set out in the lent following, in order to meet the French king at Amiens, according to appointment, and treat about a lasting peace.

*Statute for restraining the Riches of the Clergy.*] In this parl. says Knyghton, "a *prophane Statute* was made against the church and the priests thereof, viz. 'That no ecclesiastical person should be capable to take and possess any bequest of manors, glebe, houses, lands or any other rents or possessions, without a special licence from the king, and the capital lords thereof.' And this statute," adds he, "extended as well to parish-churches, chapels and chantries, as to abbies, priories, and all sorts of monasteries; likewise to citizens, burgesses, townsmen and villagers, who had any such rents in their possession for the uses aforesaid. For it was the custom in those days, that when any person wanted to bestow something upon the church, in order to save the trouble and expence of a licence, and at the same time to avoid the penalty of the Mortmain act, they used to leave it to certain persons, whom they could trust, under whose names the church enjoyed the full benefit of the bequest. But by this statute it was enacted, 'That if any person or persons, whatsoever, priest or layman, held any such manors, rents, lands, &c. for such uses, and did not take a licence for them from the king and the capital lords of such possessions, according to the statute of Mortmain before Michaelmas next coming, that then all such lands, &c. should be absolutely forfeited to the king and the said capital lords; and they might enter upon, seize and possess the same for ever."

*Statute of Appropriation.*] An act was also passed this session, which has since done great service to the clergy; namely, that of Appropriations. Before this parl. it was lawful to appropriate the whole fruits and profits of any benefice to a religious house, upon condition that the abbot or prior took care to have the cure tolerably supplied by his monks or friars of the house. This bred many inconveniences; as that hospitality was neglected, the churches and rectories dilapidated, and ministers very often wanting; of which grievances the commons complained, and procured this act, "That in every licence to be made hereafter in chancery, for the appropriation of any church, the bishop of the diocese should have power to reserve a convenient sum of money out of the fruits and profits of it, to sustain the poor parishioners of the said church, and to endow a perpetual vicar sufficiently to supply the cure of souls."

*A Parliament called.*] A Parl. was called to meet at Westminster, on the 3d of Nov. 1392. At which meeting the abp. of York, Thos. Arundel, chancellor of England, declared the cause to be for "to consider how to raise the price of wools, then too much debased; and how the wars might be maintained after the expiration of the truce. Lastly, in regard to the statute of Provisors, that the holy father might no longer be deprived of what belonged to him; concluding with these words, *Reddite quæ sunt cæsaris cæsari, et quæ sunt dei deo.*" To this last affair, the commons, for the great confidence they reposed in the king, granted that he, by the advice of his lords, might make

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any alteration, touching the statute of Provisors, as to him seemed good, till the meeting of the next parl.; but so as that statute might not be repealed in any article, nor none disturbed in his lawful possession. With this protest, "that as their assent to this was indeed a novelty, they prayed that it might be no example." The lords and commons granted to the king half a 10th and half a 15th; with one other whole 10th, as it is called, and one 15th, conditionally, that if the king went not personally into France or Scotland against his enemies, or that peace was made, then the said subsidies should remain to be employed upon the sole defence of the realm. The commons also in open parl. declared, "that if any truce or treaty of peace was undertaken with the king's enemies, it was proper the duke of Aquitain, as the most honourable, should go to the same treaty." The king answered, "that he desired the same, if the duke pleased;" which he consented to very readily. On the 2nd of Dec. which was the last day of their sitting, the lords and commons desired the king that he would as largely enjoy his prerogative as any of his predecessors ever did, notwithstanding any statute to the contrary; and particularly that made at Gloucester in the time of king Edward II. which they now repealed.

*A Parliament called.*] Early in 1396, the king held a parl. at Winchester, when the abp. of York opened the session by declaring, that it was called for two great causes, "the first was, that whether there was war or peace, or any new league made between the king and his adversaries, yet he was in great necessity for money to discharge his debts, the raising of which was to be their principal care. The next was, to provide some remedy touching the statute of Provisors, for avoiding any disputes between the pope, the king, and his realm." To this affair the lords and commons granted the king the same dispensing power as the last parl. had done, till the next; and to the first, they gave him the same subsidy as was granted in the 11th year of his reign, for 3 years, together with half a 10th and half a 15th. The bps, lords, and commons, in full parl. assented that the king, his heirs and successors of England, might lawfully make their last will and testament, and that execution should be done of the same.

*The Abp.'s Protest against the Papal power.*] On the last day of their sitting, Wm. Courteney, abp. of Canterbury, and primate of all England, made protestation, in open parl. "that the pope ought not to excommunicate any bp. or intermeddle as to presentations to any ecclesiastical dignity recovered in the king's courts. That the said holy father ought not to make translations to any bishoprick, within the realm, without the king's leave; for that this practice tended to the destruction of the realm and crown of England, which had always been free, and subject to no earthly power, but to God only, as to regalities, and to no other." Which protestation the abp. prayed might be entered on the roll. See Collier's Hist. vol. i. p. 594.

*A Parliament called.*] On the 29th of Jan. 1394, a parl. was called to meet at Westminster, which was opened by a speech from the abp. of York, lord chan. who declared the cause of the summons to be: 1st, that all bps. lords, and corporations should enjoy their liberties, and that there should be a due observation of the king's peace. Next, how the wars, which by assent of parl. were begun, should be sustained as to the expence of that, and the preservation of Guienne, Calais, Ireland, and Scotland." The 3rd day of the meeting the commons presented to the king, in full parl. sir John Bussy as their speaker; who, making the usual protestation, was allowed.

*Charges against the Earl of Lancaster.*] Rd. earl of Arundel exhibited a complaint against the earl of Lancaster, which he said concerned the king's honour: "1st, that he thought it not honourable for the king to suffer the said duke to walk arm in arm with him: 2nd, it did not become the duke's servants to wear the same livery with the king's: 3rd, that the said duke, both in council and parl. was used to speak such bitter words, that he, the said earl, and others of his quality, durst not utter their minds for him: 4th, that it was not to the king's profit to give to the said duke the dutchy of Guienne: and, 5th, he wanted to know what was become of all that mass of money given to the duke for his voyage into Spain, and for the last treaty of peace." Unto which accusation the king himself answered and affirmed, "that what the duke of Lancaster had done was all right and good." And his maj. with the assent of the lords, awarded, that the said earl should ask the duke's pardon, in full parl. and in the very words following, which he spoke accordingly: "sir, sith that it seemeth to the king, and other lords, and eke that each here hath been so mickle grieved and displeased by my words; it forethinketh, and I beseech you of your grace and lordship to quit me your man-tallant."

*A Supply granted.*] The king designing to go over in person, in order to reduce Ireland, demanded an aid of this parl. and the commons granted him for 3 years a subsidy upon wool, wool-fells, &c. 3s. upon every tun of wine, and 12d. upon every pound of merchandize, so as this money should only be employed for the defence of the realm. The clergy granted also a full 10th, if the king went over, otherwise only half a 10th.

*A Parliament called.*] The duke of York, who had been left guardian to the realm in the king's absence, summoned a parl. to meet on the 28th of Jan. 1395, to consider of the best way to make the govt. of Ireland prosperous and happy. To further this business, the king sent over the duke of Gloucester from Ireland, who, coming to this parl. declared the king's great necessity for money, occasioned

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by the late expedition, his great zeal to make an entire conquest there, and the great hope he had of success. The duke's speech had so powerful an effect, as to draw from the clergy a full 10th, and the commons a 15th; but not without a protestation was first made, "that they were not bound, *stricto jure*, to grant the same, but purely out of their affection to their king."

*A Parl. called.*] In a short time after his return, Richard called a parl. to meet at Westminster, on the 22nd of Jan. 1397. Being all assembled, the bp. of Exeter, then chancellor, by the king's command, opened the cause of summons, in a speech, wherein he alleged many authorities from holy writ, to prove 4 points on which a prince ought to consult his parl. The 1st. was, "that the church might enjoy her liberties in peace." The 2nd, "that all his subjects should be governed without oppression." 3d, "that the good laws should be maintained, the evil amended, and justice executed." And, lastly, "that the realm should be defended against all foreign enemies." All which, he added, the king was ready to do with their good advice. He then told them of the danger the nation was in from the Scots and Irish, the hazard of Guienne and the marshes of Calais, and desired them to consult and do what was proper with the least charge to the realm. The next day the commons presented sir John Bussy as their speaker, whom the king allowed of; and, after making the usual protestation, he said, "that the commons required of the king that such bps. and lords as were absent should be sent for." To which the chancellor answered, "that it would be too long and tedious for that session."

*The King resents the bringing in a Bill for regulating his Household.*] Then the commons desired a conference with the chancellor and others of the king's officers; which, being agreed to, and the chancellor returned from it, the king commanded him to declare the result of that conference. This report was, "that the commons by a bill required 4 things; 1st, the continuance of sheriffs; 2nd, that proper care should be taken of the northern marches; 3rd, about liveries and badges; and the 4th, for avoiding of the extravagant expences of the king's household, and to forbid bps. and ladies, who had no particular business there, from frequenting the court." The king being informed of the contents of it, was highly incensed, and told the peers, "That it was directed against those liberties and royalties his progenitors had enjoyed, and which he was resolved to uphold and maintain. He therefore commanded the lords spiritual and temporal to inform the commons of his resolution; and, particularly, ordered the duke of Lancaster to charge sir John Bussy, their Speaker, upon his allegiance, to acquaint him who it was that brought it into parl."

*The Commons ask Pardon.*] The submissive answer which the commons gave to this message is very extraordinary, and humbler than any we have yet met with from that body. For, being told the king's mind in a conference with the lords, they immediately delivered in the bill to them, with the name of the person who had brought it into their house, and who was one Thomas Haxey, clerk. The bill was given to the clerk of the crown, by the clerk of the parl. according to the king's command. Soon after, the commons came before his maj. in full parl. and there, with all humility and obedience, shewed great concern that the king had conceived such a resentment against them, "humbly praying him to accept their excuse, for that it never was their intent or desire to speak, shew, or act any thing which should be an offence or give displeasure to his majesty, or be against his royal estate and liberty; especially about this matter touching his person and the govt. of his house, or about the lords and ladies of his court, or any other matter that regarded himself. Knowing, very well, that such things did not belong to them, but solely to the king himself, and in his own ordering. That their intention was only to shew their great affection to his maj. as faithful subjects, and to desire the lords to pray him to consider his own honourable estate and to do therein what he thought good. That they submitted themselves to the king's will and favour, humbly beseeching his maj. graciously to excuse them; being always ready to save his royal estate and liberty, and to perform with body and goods, as loyal subjects are bound to do, whatever shall be for the honour and safety of his royal person and dignity."—See Brady and Tyrrel.—Upon this declaration, the king commanded the chancellor to tell the commons that, 'out of his royal benignity and gracious seigniory, he then fully excused them.' As a farther proof of their attachment to the prerogative royal, Thos. Haxey, clerk, was tried before this parl. and condemned to die the death of a traitor. But here the church interposed, for soon after the sentence, the abp. of Canterbury and all the other prelates came before the king in parl. with great humility, and made protestation, "that their sincere and full intention was, and always should be, to have his majesty's royal estate and power ever saved and preserved without diminution: and then they beseeched the king to grant them the life of Thos. Haxey, and the custody of his body, not as of right belonging to them, but of his special grace and favour." Both which petitions the king granted.

*The banished Judges allowed to return.*] In this parl. Rob. Belknap, John Holt, and Wm. Burgh, knights, and formerly judges, who had been banished into Ireland, (see p. 213), had leave given them to return into England, and practise the law without impeachment. Saving always against them all other points mentioned in the said statute.

*A Supply granted.*] This parl. granted the king 12d. in the pound of all merchandize imported, and 3s. per pound on every tun of wine

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for 3 years to come. The clergy also gave half a 10th on their temporalities.

*A great Council at Nottingham.*] On the 1st of Aug. this year, the king held a great council of peers at Nottingham, himself sitting amongst them, with his crown on his head, in the great hall of the castle. Here it was that Edw. earl of Rutland, Thos. earl of Kent, John earl of Huntingdon, Thos. earl of Nottingham, John earl of Somerset, John earl of Salisbury, Thomas lord Despenser, and Wm. le Scroop, chamberlain to the king, brought a bill of Appeal of Treason against Thos. duke of Gloucester, Rd. earl of Arundel, and Thos. earl of Warwick. This bill being read, by advice of the peers and those of the king's council, the accused lords had a day assigned them to answer in the next parl. which was summoned to meet on the 17th Sept. following, at Westm.

[*A Parl. called.*] At the time appointed, Sept. 17, 1397, the king, lords, and commons all met, when the bp. of Exeter, as ld. chanc. by his majesty's command, opened the session by a speech, which he began with a text taken from Ezekiel, *Rex unus erit omnibus.* The prelate endeavoured to prove, by many authorities, "that no realm could be well governed but by one sole king, and that to the right conduct of a good king 3 things were wanting; 1st. that he should be powerful; 2nd. severe in the execution of the laws by which he governed; and 3rd. that the subjects should be obedient to the king and the laws of the kingdom. That the king might grow more powerful, he told them that many liberties and prerogatives were given to him, which at the time of his coronation he was sworn to maintain. And if any thing was done since, contrary to them and the law, they were revoked; of which particular they themselves were then called to consult. That laws ought to be executed appeared by the common example of a good father, who uses to strike as well as stroke his child. But for the better execution of them the king had appointed new judges and officers through the realm, and was now desirous to redress any defects of the law which could be shewn him. And that the national subjects ought to obey the king and his laws was apparent; for that no man could claim any property of life or goods or any fruit of his labour, without the prince, who is the pillar of the law. He concluded with observing that the king meant to maintain the laws, and to continue the general and particular liberties granted to all corporations and every single person; further, that he designed to grant a pardon to all his subjects except to some particular persons." The next day the commons presented sir Jn. Bussey to the king as their Speaker, who, being approved of, made the usual protestation, which he prayed might be recorded. The first thing that passed was an act to confirm to holy church, the lords spiritual and temporal, and to all cities, boroughs and commonalties of the realm, their liberties and franchises, as they had reasonably held and enjoyed them in the time of the king's noble progenitors. And, because that several judgments were heretofore not finished by reason the clergy were not present, nor consenting to them, the commons prayed the king that they might now appoint a general proctor, who might have sufficient authority to act for them. Whereupon, the two abps. and the clergy of both provinces, constituted and appointed sir Tho. Piercy their procurator, as appears by their instruments made for that purpose. Afterwards, the commission and statute pursuant to it, made in the 11th of this king, was, wholly, repealed and made void, at the petition of the commons, "as being traiterously made, by constraint, and compulsion, against the king's will, his royalty, crown and dignity." It was ordained and established by the king, with the advice and consent of the lords and commons, "That no such like commission should be made for the future, and he who should endeavour to procure any such to be made for the time to come, being thereof duly convict, should suffer death as a traitor." Then the pardons granted to the duke of Gloucester, the earls of Arundel and Warwick, in the parl. of the 11th of this king, were made void, as being obtained by force and against the king's will. Also, the pardon granted to the earl of Arundel at Windsor, the 17th of this king, was in like manner revoked and annulled.

The 3d day of the session, the commons came before the king, in full parl. and made Protestation by their speaker, that though they intended to shew and declare certain matters and articles, which they had then advised of and agreed amongst themselves; yet, nevertheless it was and is their intent and will, with leave of the king, to accuse or impeach any person or persons, as oft as they should think fit, during the time of this parl.; they prayed the king that he would please to accept this Protestation, and, that it might be entered as a record on the roll of parl.; which the king granted and commanded to be done accordingly.

*Abp. of Canterbury impeached.*] On the same day, the commons came again before the king, in parl. and impeached Tho. Arundel, then abp. of Canterbury, of high treason; "For that he, being the chief officer of the king, his chanc. when he was bp. of Ely, was traiterously aiding, procuring and advising in making a commission, directed to Tho. duke of Gloucester, Rd. earl of Arundel and others, in the 10th of his majesty's reign; and made and procured himself, as chief officer, to be put into it, to have power, with the other commissioners to see it put in execution; which commission was made in prejudice to the king, and openly against his royalty, crown and dignity; and that the said Tho. actually put the said commission in execution." "Also, that the said abp. in the 11th of the king, procured and advised the duke of Gloucester, with the earls of Warwick and Arundel, to

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take upon them royal power, and to arrest the king's liege subjects, viz. Simon Burley and James Berners, knights, and adjudge them to death, contrary to the king's will and without his consent; thereupon, the said commons prayed the king that the said abp. might be put into safe custody." The king answered; "Because the accusation and impeachment touched so high a person, and a peer of the realm, he would be advised."

The next day the commons prayed the king, "That as they had impeached and accused the abp. of Canterbury of assenting and being in the contrivance of making the commission on the 19th of Nov. in the 10th of the king, and agreed to the execution of the same, which was expressly against his state and dignity, that he would please to ordain such judgment against the said abp. as the cause required." Hereupon the king commanded it to be recorded in parl. "that the abp. had been before him, in the presence of certain lords, and confessed that he was mistaken, or erred in the exercise of the commission, and therefore put himself upon the king's grace and mercy." Upon this, the king and the lords temporal, with sir Tho. Peircy, the proctor for the prelates, who, as it appears upon record, had full power from the whole body of the clergy to act for them, adjudged and declared the said article, which the abp. had confessed, to be treason, and that it touched the king himself; for which they, also, adjudged and declared him a traitor. And it was awarded in parl. "That he should be banished out of the kingdom, have his temporalities seized, and his goods and chattels forfeited to the king, who was, also, to appoint the time of his exile." Whereupon the king assigned him a time of passage, which was from the eve of st. Michael, until 6 weeks next ensuing; to pass from the port of Dover into France; and further, that he should forfeit all his lands, tenements, and possessions, which he had in fee simple by descent, or purchase, or otherwise, at the day of the treason committed, or after, or that any one held to his use, to the king and his heirs for ever.

*The D. of Gloucester, the Earls of Arundel and Warwick, and Tho. Mortimer, impeached.*] And now came on the other proceedings of this parl. against the duke of Gloucester, and the earls of Arundel and Warwick, contained in several articles of Impeachment then brought against them, by way of bill, by the Lords Appellants, mentioned in the council at Nottingham. The bill, as appears by the record itself, was directed to the king in parl. and is to this effect. First, it sets forth, "That the duke of Gloucester, and the earl of Arundel, designing to encroach, and have the govt. of your royal person and kingdom, with the liberties and dignities thereof, as well within this kingdom, as without; when the parl. sat at Westm. in the 10th of your reign, they sent a peer of the land to you, who on their behalf, and by their command, told your majesty, that if you would not consent to make to them, and others whom they should name, such a commission, whereby they might have the govt. in the manner as is above related, you should be in danger of your life, and the lords and commons of parl. would depart without your leave; and then you should see in what a miserable condition you would be; so that in very fear of their power, you then granted such a commission as they desired." Next follows the commission itself, (see p. 193), and then the

*Articles of Impeachment*

go on thus: I. "The said duke and earl of Arundel, to accomplish their traiterous purposes, and to have your royal person in their power, ordered, as they pleased, the govt. of your whole state, with the laws and dignities thereof, and prevailed with Tho. earl of Warwick, and Tho. Mortimer to join with them in their traiterous design; who, by agreement, as traitors to the king and kingdom, all met and assembled on the 13th of Nov. in the 11th of your reign, at Haringay-Park in Middlesex, with a great number of people armed and arrayed, and made divers of your liege-people in several parts of your realm, to rise, and march with them against your royal person, contrary to their legiance, and would not come before your presence, until they were secured by your oath that they might come, and return safely; and then they all appeared before you in your palace at Westm. with a great force of armed men, and traiterously constrained you to take them into your safe protection, against your will and pleasure."—II. "The said duke, the earls of Arundel and Warwick, and Tho. Mortimer, continuing their traiterous purposes, by force and violence, did take, and imprison divers of your liege-people, and amongst others, sir Simon Burley, and brought him to your parl. held on the morrow of the purification, in the 11th of your reign, and there suggested divers points of high crimes and treason against him, and the advice of every lord then present was asked, concerning the crimes of the said Simon, and afterwards the duke and earls would know your advice and opinion; and you answered plainly, he was not Guilty in any point objected against him. And after that, the duke and earls caused you to come into a secret place at Westm. and there shewed you the particulars of the crimes abovesaid. To whom you then answered likewise, that the said Simon was not Guilty in any of those points. And there they took upon them traiterously to have you by force consent to the judgment they had designed against him; and yet you would not consent to any judgment to be given against the said Simon. Yet nevertheless, the said duke and earls took upon them royal power, in prejudice of you, and in derogation to your crown, and without your assent, and contrary to your will, in your absence, and in the absence of many other peers of parl. without their assent, and against their



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wills, they awarded that the said Simon should be drawn, hanged and beheaded; and thereupon they traiterously caused his head to be struck off, against your peace, crown, majesty and dignity."—III. "The aforesaid duke, earls, and Tho. Mortimer, continuing their malicious, false and traiterous purposes and force, at Huntington, on Thursday the 6th of Dec. in the said 11th year, traiterously agreed, and intended to have gone with their forces to any place of the kingdom, where they might have found your royal person, to have surrendered to you their homage-liege, and to have deposed you; and this they would have done, had they not been hindered by H. of Lancaster earl of Derby, and Tho. Mowbray earl of Nottingham. And the said duke and earls continuing their traiterous intention and force, by agreement between them, caused the records in your treasury, of the time of your great grandfather king Edw. to be searched, how he demised his crown; and they shewed to you in writing the causes of the demise of his crown in your palace at Westm. in the time of parl. in the said 11th year, and they said falsely and traiterously that they had cause sufficient to depose you, but for the reverence they had for your most noble grandfather and father; and they said also, that in hopes of your better govt. they would suffer you to continue in your royal estate and regality."—IV. "Which treasons so imagined, done and perpetrated by the aforesaid duke, earls, and Tho. Mortimer, against your royal person, estate, majesty and dignity, as is above declared: we the Appellants (there named) your loyal lieges, have been and are ready to prove against the said duke, the earls of Arundel and Warwick, and Tho. Mortimer as you, our most dread lord, and this high and honourable court, your parl. shall order."

These articles having been read, the Lords Appellants prayed the king that the accused might be brought before him, in parl. to make their answer. Accordingly, Ralph lord Nevil, constable of the tower, there present, had orders to bring before them Rd. earl of Arundel, his prisoner, which he did, on the 4th day of this session of parl. The duke of Lancaster, being constituted lord high steward of England, *pro hac vice*, told the prisoner, that he was impeached of divers acts of High-Treason, and the appeal being read to him, his answer was, "That he had a general pardon in the parl. held in the 11th of the king; as also a charter of pardon made to him within 6 years last past, both which he prayed might be allowed." The lord high steward told the earl, by command of the king and consent of parl. that, "The pardon granted in the 11th year, was made by constraint upon the king, by the said duke, earls and others of their party, assuming to themselves royal power, in prejudice to the king, his royal estate, crown and dignity; and that the charter of pardon was made in deceit of the king, and expressly against him and his royal dignity; wherefore, upon the request of the commons, by consent of the king and all the estates of parl. the said pardon and charter had been in this parl. repealed and made void." The earl was asked if he had any thing more to say, and he being silent, sir Wm. Clopton, chief justice of the king's bench, by the king's command, declared to him the law, and the punishment he must undergo, if he pleaded nothing else, for if he did not, he would be convict and attainted of all the matters objected against him. But upon the earl's still insisting on his charter and pardon, and demanding the allowance of them, the Lords Appellants, in their proper persons, prayed the king, "That it would please him to give judgment upon him as convict of all the points on which he was accused.

*The Earl of Arundel convicted.*] Then the lord high steward, by command of the king, all the lords temporal, and sir Tho. Piercy, proctor for the clergy, as before taken notice of, adjudged the said earl of Arundel, "Guilty and convict of all the points on which he stood appealed, and as a traitor to the king and realm, to be drawn, hanged, beheaded, and quartered. And farther, because his treasons were of so high a nature, as to have gone about to surrender their liege homage, and depose the king, and that his levying war was so notorious, the said lord high steward, by the authority aforesaid, awarded that all his castles, manors, lands, tenements, reversions, fees, and every other manor of inheritance, as well in fee-tail as fee-simple, which were the said earl of Arundel's on the 19th of Nov. in the 10th of the king, or afterwards; and also all the lands and tenements of which other persons were infeoffed to his use, the said 19th of Nov. or afterwards, with all his goods and chattels, should be forfeited to the king and his heirs for ever." But the king graciously remitted that part of his sentence of being drawn, hanged and quartered; and to shew equity as well as rigour, the king and lords, both spiritual and temporal, declared, that it was not their intention that the lands and tenements, fees or any other inheritance of which the said earl stood infeoffed, to the use of another, should in any manner be forfeited by reason of this judgment.

*The d. of Gloucester, though dead, declared guilty of High-Treason.*] On the same day that the earl of Arundel was brought into parl. and tried and convicted, the king directed his warrant to Thomas earl marshal, governor of the town of Calais, or to his lieut. signifying that he should bring over the body of Tho. duke of Gloucester, with all the speed he could, to answer to divers articles of treason objected against him, in parl. by the Appellants, according to the law and custom used in England; and further to receive the orders of the king and parl. concerning him. This writ bears date at Westminster, Sept. 21. The return of the earl marshal to this warrant, was, "That he could not bring the said duke before the king and his council in that parl. for that being in his custody, in the king's prison at Ca-

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lais, he there died." This return was made Sept. 24. Upon the reading of this warrant and return in parl. the Lords Appellants prayed the king, "That the said duke of Gloucester might be declared a traitor and an enemy to him; as having levied war in this kingdom against his person and contrary to his allegiance. And that all his lands, tenements, goods and chattels might be forfeited; as, in this case, notwithstanding his death, they ought to be." Then the Commons prayed the king and lords, "That since it was notoriously known to his maj. and all the estates of this parl. and to all the kingdom, that the said duke and others of his party, assembled at Haringway, in the county of Middlesex, with a great number of people armed and arrayed to make war against the king, contrary to their allegiance, and came with those forces into the king's presence, which was levying war against their liege-lord, that he might thereupon be adjudged as a traitor, and his lands, tenements, &c. notwithstanding his death before, forfeited." Whereupon, all the lords temporal, and the aforesaid sir Tho. Piercy, proctor for the clergy, declared that the said crime and treason was notoriously known to them and the whole kingdom; wherefore they, with the king's assent, declared him guilty of levying war as a traitor, and adjudged "all his castles, lands, manors, &c. which he was possessed of on the 13th of Nov. in the 11th year of this reign, to be forfeited to the king and his heirs; and that none of his issue, or heirs of his body, or their issue or heirs in time to come, should ever bear the royal arms of England entire, or with difference; or in any other manner whatsoever, should inherit the crown of England."

*The Duke's Confession while in Prison.*] On the 25th of Sept. the said Appellants prayed the king in full parl. that if there was any thing upon record, either by confession of any person accused, or any other person whatsoever touching their appeal, that it might be openly known and declared in full parl. Upon which petition, by the advice of the lords temporal, the king commanded that a commission bearing date the 17th of Aug. last past, directed to sir Wm. Rickhill, one of the justices of the common bench, together with a confession made before him, by Tho. late duke of Gloucester, by virtue of the above-said commission, with the return of that commission, be read in parl. The duke's confession is in old English, and deserves particular notice, as a specimen of the elegance of the English tongue in those days:—

"This is the answer of Wm. Rickhill to the commission of his liege lord the king. Tho. duke of Gloucester, be the name of Tho. Woodstock, the zear of the king Richard 21, in the castle of Caleys, by vertue of a commission of the king, at it is more plainly declared in the same, directed to Wm. Rickill justice, hath I know and confessed to fore the same Wm. all the matters and points I wrote in this great roll annexed to this schedule, the which schedule and great roll both sealed under the seal of the aforesaid Wm. and all the matters and points I know and confessed by the aforesaid duke in the castle of Caleys, the foresaid duke be his own hand fully and plainly I wrote, and delivered it to the same Wm. Rickhill touching this matter as it was done in the presence of John Lancaster, and John Lovetoft, and in none other manner."

"I Thomas of Woodstock, the zear of my lord the king 21, be the vertue of a commission of my lord the king, the same zear directed to Wm. Rickhill justice, the which is comprehended more plainly in the foresaid commission, knowleche that I was one with steryngc of other men, to assent to the making of a commission, in the which commission I among other, restrained my lord of his freedom, and took upon me among others power regal, truly not knowing ne witting, that time that I did against his estate, nor his royaltie, as I did after, and do now; and forasmuch as I knew afterward that I had done wrong, and take upon me more than I ought to do, I submitted me to my lord, and cried him mercy and grace, and yet do as truly and as meekly as any man may, and put me high and low in his mercy and grace, as he hath always been full of mercy and grace to all other. Also, in that time, that I came armed into my lord's presence, and into his palace, howsoever that I did it for drede of my life, I knowleche for certain, that I did evil, and against his regalitie, and his estate, wherefore I submit me lowly and meekly to his mercy, and to his grace. Also, in that I took my lord's letters of his messages, and opened them against his leave, I knowleche that I did evil, wherefore I put me lowly in his grace. Also, in that, that I sclaundred my lord, I knowlech, that I did evil and wickedly, in that, that I spake to him in sclaunderous wise, in audience of other folk; bot by the way, that my soul shall too, I meant none evil therein, nevertheless I wot and knowleche that I did evil and unkindly, wherefore I submit me high and low in his grace. Also, in that I among other, communed and asked of certain clercs, whether that we might give up our homage for drede of our lives or not, and whether that we were assentid thereto for to do it, trewly and by my troth, I ne have how nor e full mind thereof but I trowe rather yes, than nay, wherefore I submit me high and low evermore in his grace. Also, in that, that I was in place, where it was communed, and spoken in manner of deposal of my liege lord, truly I knowlech well, that we were assentid thereto for two days or three, and then were for to have done our homage and our othes, and put him as highly in his estate as ever he was; but forsouth there I knowlech that I did untruly, and unkindly as to him, that is my liege lord, and hath been so good and kind lord to me, wherefore I beseech to him, notwithstanding myn unkindness, evermore of his mercy and of his grace, as lowly as any creature may beseech it unto his liege lord. And

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as of any new thing or ordenance, that ever I should have witting or known, ordained or assentid, privy or appert, that should have been against my lord's estate, or his will or any that longeth about him, syth that day I swore unto him at Langely, on God's body truly, and by that othe that I there made, I never knew of gathering against him, ne none other that longeth unto him. And as touching these points, that I have made confession of to sir Wm. Rickhill justice, in the which I wot well, that I have offended my lord unkindly and untruly, as I have said before, how that I have in all these points offended him, and done against him, trewly and as I will answer before God it was my meaning and my weaning to do the best for his person and for his estate; nevertheless I wot well, and know well nowe, that my deeds and my workings were against my intent; but by the way that my soul shall too, of these points and of all other the which that I done of negligence and of unkunning, it was never myne intent ne my will, ne for my thought for to do a thing that should have been distresse or harming against the safety of my liege lord's persone, as I will answer before God at the day of judgment. And therefore I beseech my liege and sovereign lord the king, that he will of his grace and benignity accept me to his mercy and his grace, as I that put my life, my body and my goods, wholly at his will, as lowly as meekly as any creature can do or may do to his liege lord; beseeching to his high lordship, that he will for the passion of him that suffered for all mankind, and the compassion that he had for his mother on the crosse, and the pity he had of Mary Magdalen, that he will vouchsafe for to have compassion and pity, and to accept me to his mercy and to his grace; as he that hath ever been full of mercy and of grace to all his lieges, and to all other that have nought been so nigh unto him as I have been, though I been unworthy."

After this return to the commission had been read, the Appellants prayed, that sir Wm. Rickhill, approved for his loyalty and discretion, might be commanded by the king upon his allegiance to declare the truth touching this Confession; who, in the presence of the king, the lords spiritual and temporal, and commons in parl. said and declared, "that about 8 o'clock before noon, he came within the castle of Calais, to the duke of Gloucester, who was then of good memory and out of prison. That he shewed him his commission, and the cause of his coming, in the presence of John Lancaster and John Lovetoft; and desired that what he, the said duke, had to say to it he would put down in writing, and then he departed. Returning to him about 9 of the clock, in the afternoon of the same day, the duke read in writing the said Confession, with his own mouth, and gave the same to Wm. Rickhill with his own hand. Further; Wm. Rickhill said to the said duke, that if there was any thing more touching this matter, that he would speak it for the king's satisfaction, and the knowledge of the whole truth of the affair. Whereupon the duke said he had forgot one thing that then came into his memory, that he said to his majesty, 'if he designed to be king, he must not intercede for sir Simon Burley, to save him from death.' And he desired the said Wm. Rickhill to shew this to the king by word of mouth." See Brady, p. 411.

*The Earl of Warwick convicted.*] On the 20th of Sept. the constable of the Tower brought before the parl. Tho. earl of Warwick, who was told by the duke of Lancaster, that he was accused by Edw. earl of Rutland, and the other Appellants, there named, of divers High Treasons, which were all comprehended in two articles: that of assembling with force and armed men at Haringay, &c. and the charge about sir Simon Burley, which were drawn up in the same words as in the case of the earl of Arundel. To all which he answered with tears, 'that he well understood those treasons and wicked deeds; that he was guilty of them, and put himself upon the king's mercy and grace." Upon which the duke of Lancaster pronounced the very same sentence against him, in all things, as he had done against the earl of Arundel. But, adds the record, the king, moved with pity, to the reverence and honour of God, at the prayer of the Appellants, the lords spiritual and temporal, and commons in parl. remitted part of the said judgment, and granted him his life; so that his sentence was, "to remain prisoner in the Isle of Man during his life, upon condition that if any means were made use of to the king or his heirs, to gain him any further favour, or if he should make his escape, then the judgment should be put in execution, and the king's grace should be void." This done, the commons before the king in parl. affirmed the said appeals to be all good and lawful.

*Thomas Mortimer makes his escape.*] Afterwards the lords Appellants impeached Thomas Mortimer of the treasons comprised in the said accusation; but he, being then in Ireland, fled into the mountains to the Irish rebels for protection. A proclamation was thereupon ordered in parl. to be made throughout Ireland, that he should surrender himself in England within 3 months, to answer to the impeachment, or else be declared a traitor; and all his manors, castles, lands, and tenements, &c. which he was possessed of on the 13th of Nov. as in the former cases, should be forfeited to the king.

*Promotions.*] After these severe proceedings, the king, in some measure, to reward the loyalty of the nobility, made several new creations in this parl. For, on Michaelmas-day, Hy. earl of Derby, was made duke of Hereford; Edw. earl of Rutland, duke of Albemarle; Tho. Holland, earl of Kent, duke of Surrey; Jn. Holland, earl of Huntington, duke of Exeter, both the king's half brothers; Tho. Mowbray, earl of Nottingham, duke of Norfolk; Jn. Beaufort was made earl of Somerset, and marquis of Dorset; Tho. lord Despencer, earl of Gloucester; Ralph Nevile, earl of

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Westmoreland; Tho. Piercy, earl of Worcester; and Wm. Scroop, earl of Wiltshire. After which, this parl. was adjourned to the 27th Jan. to be then held at Shrewsbury, and all things till then were to remain in the same state and condition.

At the time appointed, Jan. 27, 1398, this parl. met at Shrewsbury; and on the day of their reas-embling, the lord chanc. put them in mind "that this parl. was first summoned to Westminster, for the honour of God, and that Holy Church might enjoy all her liberties and franchises; and the knights, citizens, and burgesses theirs also, as strongly as they ever did in former times. That there might be no more governors in the kingdom than one; also that the laws might be duly obeyed and executed, as he more fully explained to them in setting forth and declaring the cause of this parlt." The chancellor then applied himself particularly to the commons, and said, "That the king wanted to be informed by them, how the charge should be borne for the defence of England, Ireland, Guyenne, the marshes of Calais, and also those of Scotland, in case they kept not the four year's truce, which was to end at Michaelmas next."

*Proceedings of the Parl. of the 11th Year annulled.*] In this session, the Lords Appellants, viz. as Edw. duke of Albemarle, Thos. duke of Surrey, Jn. duke of Exeter, Jn. marq. of Dorset, John earl of Salisbury, Thos. earl Gloucester, and Wm. earl of Wiltshire, set forth to the king, that certain lords, lately convict and attainted, viz. the duke of Gloucester, with the earls of Arundel and Warwick, by coertion and compulsion, had made him summon a parl. at Westminster, on the morrow after Candlemas, in the 11th of his reign; where were particularly recited all the questions and answers, formerly put to and made by sir Rob. Tresilian, chief justice, with the other judges and king's serjeants at Nottingham, as are already recited.—See p. 194. Then the Questions and Answers of the judges, made at the time aforesaid, were read over before the king, lords, and commons; and all the estates in parl. were severally asked, "What they thought of those answers?" who said, "They thought the judges had made and given their answers duly and lawfully, as good and liege people of the king ought to do." After which, sir Tho. Skelton, learned in the law, Wm. Hankeford, and Wm. Brenckly, the king's serjeants, said, "The answers were good and lawful, and if the same question had been put to them, they would have given the same answer." William Thirning, chief justice of the king's bench, said, "The declaration of treason, not already declared, belonged to parl.; but, were he a lord or peer of parl. and had been asked, he would have spoke in the same manner." So, likewise, Wm. Rickhill, a judge of the common pleas, and Wm. Clopton, chief justice of the common bench, answered and affirmed the same things: therefore, the former answers of the judges, in the 11th year of the king, were judged and held to be good and sufficient, by this parl."—Then, by the assent of the lords spiritual and temporal, the procurators of the clergy, and the whole body of the commons, by and with the advice of the judges there present, it was decreed, ordained, and established, "that the parl. holden the said 11th year, shall be clearly annulled and held for none, as being done without the authority, and against the will and liberty of the king, and the right of his crown; and that all the judgments, statutes, and ordinances, made in the same, with all things depending upon them, shall be revoked and annulled, reversed and repealed, and held for none; and that all lands, tenements, fees, advowsons, and other possessions, seized as forfeit, by colour of the said judgment, shall be restored and delivered to them who were condemned or put out, or else to their heirs; and to them that have any cause of action, or title of right, all manner of liberties and franchises as they had at any time, with restitution of goods and chattels."

In this session, Thos. Mortimer, impeached in the last, had time given him to make his appearance and take his trial, which he not doing, the duke of Lancaster, as lord high steward, with the consent of the lords temporal, and the earl of Wiltshire, then proctor for the prelates and clergy, gave sentence and judgment against him, according to the tenor of the proclamation.

*Sir J. Cobham impeached.*] On the same day, Jan. 28, came on the trial of John de Cobham, knight, who had been impeached by the commons in the last session, for the same crimes that Thos. Mortimer was, viz. that he, sitting in judgment, awarded Simon Burley and James Berners, knights, to be executed as before, without the king's assent, in his absence, and in the absence of many peers of parl. who arose and would not sit in such judgment, &c. against the peace of the king, his crown and dignity. The duke of Surrey, in whose custody this sir John Cobham was, brought him into parl. to answer to the Articles alledged against him, and the duke of Lancaster told him, that he was accused and impeached by the commons for the treasons aforesaid, and commanded him to answer at his peril. Upon hearing the impeachment read, the knight said, "That as to the making of the commission he was not guilty; and as to the use and exercise of the same, he said he did not meddle with it without the king's command, and that he went to the k. and told him, he, with others, were made commissioners, but that he would not act according to the commission without the king's licence, who thereupon commanded him to act." To this the king himself answered, "That he was under such govt. at that time, that he could say no otherwise, by reason of such as were then about him; but that the commission was made against his will the said John Cobham could not deny." As to the judgment and award made against the said Simon and James, the prisoner said, "He was told by those who

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were then masters, that it was the king's will such judgment and award should be made."—Upon these answers, the commons prayed the king to give judgment against him, as convict and attainted of the use and exercise of the commission, &c. Whereupon the lord high steward, by consent as aforesaid, gave judgment against the said John de Cobham, as in the case of the earl of Arundel. But all those judgments the king graciously pardoned; yet so that he was to be a prisoner in the isle of Jersey during his life.

*A Subsidy granted for the King's Life.*] On the last day of this parl. Jan. 31, the commons, with the assent of the lords, granted to the king the subsidy on wool, leather, and wool-fells, for his life; with one whole 10th and 15th, and half a 10th and 15th, which was more than ever they had given to his grandfather. But, upon these grants, the commons prayed his maj. to bestow 3 or 4000 marks on those that had been plundered at Radcot-bridge, and to pay the Lords Appellants their expences; both which were granted.—On the same day, an act of grace, or a general pardon, was passed for all things done before that time. After the grant of this pardon, the king, by his own mouth, declared in parl. "That, if the lords and commons, who in time to come may sit in parl. shall let, or any ways disturb him in the collection of the said imposts on wool, leather, and wool-fells, granted as above, their proceedings shall be void."

*The Disherison of the Two Despensers annulled.*] A private petition, but which had a public concern, came before this session of parl. Tho. le Despenser, grandson and great grandson to Hugh the father and Hugh the son, petitioned the king, in full parl. to have redress; and recited the petitions of his said ancestors made to the king, in a parl. held at York in the 15th of Edw. II. The parl. took this affair into consideration, and disannulled the exile and disherison of both those earls for the following reasons: 1st. because they were not appealed, or called to answer, nor due process against them made according to law. 2nd. because the prelates, who were peers of the realm, did not consent to the said exile and disherison. 3d. because it was against Magna Charta that any one should be exiled or tried, or otherwise destroyed, without judgment of his peers. And the petitioners farther set forth, that whereas this annullation was afterwards made void in the 1st. of Edw. III. they pray that statute may be reversed, and all the articles and things contained in it, for the reasons abovesaid. The petition was granted, and the statute reversed and made void accordingly, not only for the causes before expressed, but also "considering that the repeal was made by king Edw. III. at such time as his father Edw. II. was living, being very king, and in prison, so that he could not resist the same."

*Quarrel between the Dukes of Hereford and Norfolk.*] Before we conclude the transactions of this parl. we must recite an affair which now happened, greater in its consequences than any thing which has been hitherto related. The reader may observe, that in the list of the Lords Appellants, given at the beginning of this session, the names of the dukes of Hereford and Norfolk are not mentioned, though they were both concerned in the impeachments. This could proceed from nothing else than a mortal quarrel which had then happened between these two noblemen; and which the former was about to accuse the other of before the king and parl. As a prelude to the main affair, on this last day of the parl. the duke of Hereford took occasion to fall on his knees before the king, in the presence of both the houses, and spoke thus to him: "My liege lord, I know well that many riots, disturbances, and evil deeds have been made and done within your kingdom, to the offence of you and your royal estate, in which I, myself, was, with others present; not with an ill intent on purpose to offend you, for I knew not then it was any fault or offence against you. But, sir, since I am now better informed, I confess my offences, and in so doing I beg your mercy and pardon." Upon which the king graciously accepted of the humble prayer and confession of the duke; granted him the pardon he asked, in full parl. for whatever he had done in the things above-said, or deserved for them; promised to be his good lord; and declared openly to all the estates, that he had granted him full pardon for the matters aforesaid.

After which, the said Henry of Lancaster, duke of Hereford, came to the king, with a schedule in his hand, and said, "that he had already, by his majesty's command, been before him at Haywode, where he had informed him, that Tho. Mowbray, duke of Norfolk, had spoken many dishonest words, in slander of his royal person, which were spoken to himself; and that then his maj. charged him, upon his allegiance, that he would truly repeat the words as they were spoken. That not out of malice, or any other cause, but only as he was bound to obey the king's command, he had now put down in writing the words which the duke of Norfolk spake to him, to the best of his remembrance, as they were contained in this schedule, which he delivered to the king; with a protestation, at the same time, to add or diminish when he pleased, or as it might be needful, saving always the substance of the present writing;" which was to this effect: "That in the month of Dec. in the 21st year of your reign, the duke of Hereford, travelling between Brainford and London, met the duke of Norfolk with a great train, and discoursed with him of divers matters; amongst which he told him, they were all ready to be undone; and the duke of Hereford demanded why? He answered, for the fact at Radcot-bridge: the duke of Hereford said, how can that be, for the king hath shewed us favour, and declared us in parl. to have been good and loyal

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towards him. The duke of Norfolk answered, notwithstanding that, it will be done to us as has been done to others before, for he will vacate this record. The duke of Hereford replied, this would be a great wonder, since the king had said it before all the people, that he should afterwards make it be annulled. And further, the duke of Norfolk said, this was a marvellous world, and unsafe; for I know well, said he, that if * * *" [not legible in the record] "my lord your father and you had been taken or killed when you came to Windsor, after the parl. was up, that the dukes of Albemarle and Exeter, the earl of Worcester, and himself, were agreed never to undo any lord without just and reasonable cause; and that the malice of this fact was in the duke of Surry, with the earls of Wiltshire and Salisbury, drawing to them the earl of Gloucester, who had sworn to undo 6 other lords; that is to say, the dukes of Lancaster, Hereford, Albemarle, and Exeter, with the marquis of Dorset and himself. He also said, they purposed to reverse the judgment of earl Tho. of Lancaster, and hereby we and many others should be disinherited. The duke of Hereford said, God forbid, for it would be a great wonder if the king should assent to this; for it was with a cheerful countenance that he promised to be a good lord to them and others; and also that he knew he had sworn it by st. Edward: and the duke of Norfolk answered, he had done the same to him many times, and sworn by the body of God; and that for all this he was never the more to be trusted; and further said to the duke of Hereford, that the king was about to draw the earl of March and others to the same agreement and purpose of the said 4 lords to destroy the rest aforesaid. The duke of Hereford replied, if it be so, we can never trust them. The duke of Norfolk returned, for certain not; for although they cannot accomplish their designs at present, yet they will be contriving ten years from this time to destroy us in our houses."

This complaint in writing having been read before the king and lords, it was then ordained by him, with the assent of all the other estates, that the matters therein comprised should be determined and ended by the good advice and discretion of the king, and the commissioners already assigned by authority of parl. The reason of constituting these commissioners we have reserved as the finishing stroke to the long proceedings of this parl.

*The Authority of the whole Parl. delegated to* 12 *Lords and* 6 *Commoners.*] On this last day of the session, Jan. 31, the commons prayed the king, "That whereas they had before them divers petitions, as well for special persons as others, not read and answered; and, also, many other matters and things had been moved in the presence of the king, which, for shortness of time, could not be well determined, that it would please his majesty to commit full power to certain lords, and others there named, to examine, answer, and dispatch the petitions, matters, and things abovesaid, and all dependencies on them." To this prayer the king gave his assent, and thereupon, by authority of all the estates, it was ordained, that John duke of Lancaster, Edm. duke of York, Edw. duke of Albemarle, Tho. duke of Surry, John duke of Exeter, John marquis of Dorset, Roger earl of March, John earl of Salisbury, Hy. earl of Northumberland, Tho. earl of Gloucester, Tho. earl of Winchester, and Wm. earl of Wiltshire, or any 6 of them, together with John Bussey, Hy. Green, John Russel, Rob. Teye, Hy. Chelmswike, and John Golofre, knights, deputed by the commons in that parl. or any 3 of them, shall have full power to execute, answer, and fully determine all the said petitions, with their complaints; as also, all other matters and things moved in the presence of the king with all other dependencies upon them, not yet determined, as they shall think best by their good advice and discretion to act in these affairs.—"By this act," says Tyrrel, "the whole power and authority of the kingdom was now devolved upon the king, 12 peers, and 6 commoners; and how arbitrarily they used it, may be seen in the sequel."

[*The Dukes of Hereford and Norfolk banished by the Committee.*] No sooner was the parl. dissolved, but both the dukes appeared before the king at Oswaldstree, when a further day was assigned to meet them at Windsor. In the mean time the king, lords, and knights, abovesaid, agreed that the determination of the difference should be according to the laws of chivalry; if other proof or evidence could not be found for the ending of this dispute by the ordinary course of law. But no further proof being produced by either of the parties, they both appeared at the place last mentioned, on the day prefixed, to receive the king's judgment thereon. Hereupon, as it had been determined by the king and the committee of parl. at Oswaldstree, his maj. ordained, since there was no other way to settle the difference, that it should be determined by single combat at Coventry, on a day appointed for that purpose. The two dukes having accepted of the trial by duel, as above, they both appeared at Coventry, on the 16th of Sept. ready at all points, to decide the bloody controversy; when the king took the battle into his own hands, as the record has it, and by the full advice, authority, and assent of parl. decreed and ordained, "That for the peace and tranquility of himself, his kingdom, and his subjects; and to avoid the debates and troubles that might not only arise between the two dukes, but amongst their friends and followers, the duke of Hereford should be banished the kingdom for 10 years, to depart on or before the 13th of Oct. next, upon the penalty of incurring treason, by authority of parl. Also it was ordained, by the authority aforesaid, under the same penalty, that the duke of Hereford should not come in company with the duke of Norfolk, nor with Tho. Arundel, abp.; nor

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send nor cause to be sent, nor receive or cause to be received, any message or otherwise, to or from either of them." As to the duke of Norfolk, it was decreed, "That forasmuch as he had confessed certain points of the accusation, before the king at Windsor, on the 29th of April last, which he had denied at Oswaldstree, on the 23d of Feb. foregoing; and which were very likely to breed great trouble within the kingdom; the king desiring to punish as rightful lord, all such as were the authors of such troubles and debates, and willing also to avoid the occasion of them, adjudged and ordained, that Tho. duke of Norfolk should void the realm, for term of life, and that he shall be out of the kingdom by the 20th of Oct. next coming, to reside in Germany, Bohemia, and Hungary, and other parts of Christendom, upon pain to incur treason, by the authority aforesaid. Further, that he should not come into the company of the duke of Hereford, nor of Tho. Arundel, nor send or receive messages, &c. as in the case of the other. And it was likewise ordained, by the said authority, that if either of the dukes, or any for them, do procure any thing to be done against the least point in this ordinance, or what was done on the 16th of Sept. he or they shall incur the penalty of treason, as if it had been done against any other ordinance of the parl. begun at Westminster and adjourned to Shrewsbury. Lastly, if they, or any for them, should seek for any manner of pardon or licence, to return home, they were also to incur the same penalty, by the same authority." The duke of Hereford, at his taking leave of the king at Eltham, behaved himself so respectfully, and bore his sentence with so much unconcernedness, that his majesty was then pleased to declare, that he would abate 4 years of his exile. The duke of Norfolk, in great grief and discontent, went into Germany, and from thence to Venice, where not long after he died.

*Proceedings of the Committee.*] On the 14th of Oct. the king, with the dukes of Lancaster, York, Albemarle, Surry, and Exeter, the marquis of Dorset, the earls of March, Salisbury, and Gloucester, John Bussey, Henry Green and John Russel, knights, being again assembled by virtue of the authority to them committed in the parl. at Shrewsbury, made certain ordinances and statutes, 5 whereof are printed in the Statutes at Large. The last of these relating only to our purpose, and varying somewhat from the roll, wants this addition, viz. "The king, on the day above-mentioned, by the assent of the lords and knights of counties assigned by authority of parl. doth ordain that every person that procureth or endeavoureth to repeal or reverse any of the statutes or ordinances made by the king and the said committee, and that being duly proved in parl. shall be adjudged and have execution as a traitor to the kingdom; in like manner as they which endeavour or procure to be repealed the statutes and ordinances made during the time of the sitting of the said parl." Besides this, there was a provision made, for their greater security, that the oath of every bp. at his receiving his temporalities, and of every lay-lord, when he had livery of his lands and tenements should be enlarged with these additions, that of the bishops was as follows; "You shall swear, that well and truly you shall hold, maintain, and stand to, without fraud or deceit, all the statutes, establishments, ordinances, or judgments made and rendered in the parl. summoned and begun at Westminster, on the Monday next after the exaltation of holy cross, in the year of the reign of our lord king Richard II. after the conquest, 21, and from thence adjourned to Shrewsbury, to the quindene of st. Hillary, then next coming, and there ended. And also all the statutes and ordinances made after the said parl. by the king and lords, and knights of shires, coming for the commons to that parl. without going or doing to the contrary of any of them, or the dependents on, or parcel of them; nor that you will ever repeal, revoke, make void, reverse, or annul, nor ever suffer them to be repealed, revoked, cassated, made void, reversed, or annulled, so long as you live; saving to the king his royalty, liberty and right of his crown." To the Oath of the Temporal Lords was this addition; "You shall swear, that you will never suffer in time to come, any man living to do any thing contrary to any of the statutes, establishments, ordinances and judgments abovesaid, nor any dependents on, or part of them. And if any one so do and be thereof duly convict, you shall use your utmost power and diligence, without fraud or deceit, to prosecute him before the king, or his heirs kings of England, and cause him to have execution as an high traitor to the king and kingdom. Saving to the king his regality, liberty, and right of his crown."

[*The Duke of Lancaster claims the Crown.*] In 1399, died John duke of Lancaster, the king's uncle, who had just lived to see his eldest son banished, and have a vote himself in the sentence of it. By the duke's death, the title, vast estate and honours, of that branch of the royal family, ought to have devolved upon Henry duke of Hereford his son; but the king, jealous of so great power in so near a relation, took occasion to prevent it. For, on the 8th of March following, the commissioners, that had the authority of parl. delegated to them, met again at Westminster; where they declared that Henry duke of Hereford, after the judgment given against him at Coventry, had procured letters patents from the king, that, during his absence, he might, by his attorney, sue and have livery of any lands descended to him, and have his homage respited till his return: these letters patents the commissioners declared were against law; wherefore the king, by the advice and assent of the said committee, revoked these letters patents, as also the like made to the duke of Norfolk.—The new duke of Lancaster, who was more irritated at this last treatment than at his banishment, was then in France. To

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him the discontented nobility and gentry of England applied themselves, as the only man that by his birth, power and popularity, could redress their grievances. The duke received their addresses at first very slightly; but being settled at last in his resolutions by Tho. Arundel, abp. of Canterbury, who came to him in disguise for that purpose, he determined to try his fortune in England on the first opportunity.

It was not long before a very fair one offered; for an account having been brought to court, that Roger earl of March, the king's lieut. in Ireland, had been there slain by the natives; to revenge his death and subdue the country, the king levied a considerable force, and went over in person with them. Towards which expedition also he raised money by several undue ways, taking up carriages, victuals, and other necessaries without paying for them; by which, and many other imprudent and rash practices, he made himself and govt. disagreeable to his people. The duke of Lancaster, taking advantage of Richard's absence, with Tho. Arundel, abp. of Canterbury, the son and heir of the late earl of Arundel, and a small company of others, took shipping in France, and hovering a while on the English coast, to spy if there were any ready to resist them, they at length landed at Ravensburg (now called Spurn-head) in Yorkshire. At first, the duke gave out that he came only to recover his own inheritance; but finding himself soon joined by Henry Piercy, earl of Northumberland, and Henry, named Hotspur, his son, Ralph earl of Westmoreland, and other lords, and an army of 60,000 men, he altered his tone, and boldly laid claim to the kingdom. With these forces the duke made a speedy march to Bristol, besieged the castle, and took it; in which was the earl of Wiltshire, lord treasurer, sir John Bussy, and sir Henry Green, of the late junto of parl. who the next day, by the clamour of the people, and without further process, had their heads struck off.

*The King resigns the Government.*] The duke of York, the king's uncle, who was left guardian of the realm in his absence, with several bps. lords, and others of the king's council, consulted what to do in this exigency, but could come to no resolution about it. In the mean time, as soon as the king was informed in Ireland of the duke's landing, he secured his sons, and the sons of the duke of Gloucester, who were with him, in Trim castle, in that kingdom. Then, with the dukes of Albemarle, Exeter, and Surrey, with the bps. of London, Lincoln, and Carlisle, and many others, he took shipping with all speed, in order to go over and raise such a force as might hinder the duke's progress. But, on his landing, when he found how matters went, and that the people and greater part of the lords had forsaken him, and were gone over to duke Henry, he laid aside all thoughts of fighting, and even dismissed his family; giving them notice, by sir Tho. Piercy, his steward, that they might provide for and reserve themselves for better times. After this, the king shifted up and down, and was here and there for many days, the duke following him with his army; till at last he fixed at the castle of Conway, in Wales, from whence he sent to speak with the abp. and the earl of Northumberland. They immediately waited on his maj. to whom he declared, "that he would quit his govt. if he might have his life secured, and an honourable provision made for himself, and 8 persons that he should name." This being granted and confirmed, the king went to Flint castle, where, after a short conference with the duke of Lancaster, they mounted their horses together, and rode to Chester that night, the duke's numerous army still following.

At Chester the writs of summons were issued out, in king Richard's name, for a parl. to meet on the 30th of Sept. dated August 19, from Chester. In the mean time, the king was brought up to London, and secured in the Tower, until the parl. should sit; and all the instruments of his Cession, Resignation, and Deposition, with the Articles against him, could be prepared. The abp. of Canterbury having objected, that the moment Richard's Renunciation was made, and his Cession and Deposition taken, the parl. would be absolutely dissolved. It was thought necessary, as soon as it was met, to have new writs ready to issue out for calling another. Accordingly, when the aforesaid ceremony was over, which met with no opposition from the unhappy king, fresh writs came out, dated at Westminster, Sept. 30th, to the lords, and all the knights, citizens, and burgesses, throughout England, which were made returnable in 6 days time; for they were summoned to meet at Westminster on the 6th of Oct. following; these double writs being still extant on record to prove it. That these last were the very same members that came on the first summons, though called in Henry's name, appears also beyond contradiction, by the writs for their wages or expences, which dr. Brady has taken care to preserve.

The members of both houses being come up, they met in a very pompous and unusual manner, Sept. 30, 1399, in the Great Hall at Westminster, which was sumptuously set off on this occasion. At the upper end of the hall was placed a royal throne or chair of state, which was empty, and near it the bps. in order; on the other side, sat the lords temporal, and by them the whole body of the commons. At the head of the lords sat the duke of Lancaster, next him the duke of York, the dukes of Albemarle, Surrey, and Exeter, with the marq. of Dorset; after them, in order, sat the earls of Arundele, Norfolk, March, Stafford, Pembroke, Salisbury, and Devonshire; the earls of Northumberland and Westmoreland did not sit down, but went about, from place to place, as occasion required them. See Stowe's Chron. p. 23. This piece of new pa-



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geantry being adjusted, which Walsingham says was "*absque præsidente quocunque*," a committee of bps. lords, and commons, was appointed to go to king Richard, then a prisoner in the Tower of London, with the instruments of his Renunciation and Deposition ready drawn up for that purpose.

*Taxes in the Reign of Richard II.*

In his 1st year, Richard had two 15ths without cities and boroughs, and two 10ths within cities and boroughs, for two years granted him; and in the same year a poll-tax was granted for the war against France.—In his 2nd year, the former subsidy of wool, leather, and wool-fells was granted for 3 years; also 6d. in the pound on all merchandize imported and exported for one year.—In his 3rd year, the parl. granted to the king one 15th and a half, without the cities and burghs, and one 10th and a half within those places; and the subsidies on wool, leather, and wool-fells for one year more.—In his 4th year, there was a capitation-tax of 3 groats of every person of the kingdom, male or female, of the age of 16, of what state and condition soever, except beggars. This was granted for the expedition into Britainy, but occasioned an insurrection under Wat. Tyler, &c.—In his 5th year, the former subsidy on wool and leather was farther continued for 4 years, for the assistance of the Portuguese; and the same year a 10th and a 15th was granted for the war with France.—In this 7th year there was granted two half 15ths for the war. The same year the parl. gave the king the moiety of a 10th and a 15th against Scotland and France; and afterwards for the same purpose two 15ths.—In his 9th year there was granted for the duke of Lancaster's voyage into Spain, for the safe keeping of the sea and marches of Scotland; a full 10th and 15th, and half a 10th and 15th. The clergy also granted a 10th.—In his 10th year the parl. granted half a 10th in spirituals, and half a 15th on all temporals. They likewise gave him of every tun of wine imported or exported, 3s.; and 12d. on every pound of merchandize.—In his 11th year there was granted half a 10th and half a 15th; and also a subsidy upon leather, wool, and woolfells.—In his 12th year there was granted to the king half a 10th from the clergy, and half a 15th from the laity; in order to carry on the war against Scotland for the next year.—In his 13th year, there was a subsidy granted of 40s. on every sack of wool; of which 10s. should go to supply the king's present occasion; and the other 30s. to be reserved in the hands of commissioners appointed by parl. not to be expended unless the necessity of the war required it.—In his 14th year the parl. granted to the king one half 10th from the clergy, and a whole 15th from the laity.—In his 15th year the lords and commons granted to the king half a 10th and half a 15th; with one other whole 10th, as it called, and one 15th; conditionally, that if the king went not personally into France or Scotland against his enemies, or that peace was made, then the said subsidies should remain to be employed upon the sole defence of the realm.—In his 16th year, they gave the same subsidy as was granted in the 11th year of his reign, for 3 years; together with half a 10th and half a 15th.—In his 17th year, the commons granted the king for 3 years, a subsidy upon wool, woolfells, &c. 3s. upon every tun of wine, and 12d. upon every pound of merchandize as in the 11th year of his reign; so as this money should only be employed for the defence of the realm. The clergy granted also a full 10th, if the king went over; otherwise, only half a 10th.—In his 18th year, the clergy gave a 10th, and the commons a 15th.—In his 20th year, the parl. granted 12d. in the pound of all merchandize imported, and 3s. per pound on every tun of wine for 3 years to come. The clergy also gave half a 10th on their temporalities.—And in his 21st year, the king had granted him the subsidy on wool, leather, and wool-fells, for his life; with one whole 10th and 15th, and half a 10th and 15th. But this extravagant grant was made one of the articles against this unhappy prince in the succeeding reign.

*Price of Provisions in the Reign of Richard II.*

In 1379, wheat was sold for 4s. a qr.; white wine, 6d. a gallon, and red, 4d. The low price of corn, at this time, was pleaded by the commons against granting a supply.—In 1382, wine sold for 4l. a tun.—In 1387, barley was sold at Leicester for 2s. a qr. and wheat for 2s.; pease, 1s.; soot, 1s.—In 1390, wheat sold at the same town for 16s. 8d. for 14s. and 13s. 4d. a qr.; wool, on account of a law against the exportation of it, sold for 3s. for 2s. and even for 20d. a stone.

*Acts passed in the Reign of Richard II.*

1 Rich. II.—1. A confirmation of the Liberties of the Church, the Great Charter, the Charter of the Forest, and of all Statutes not repealed. 2. Peace shall be kept, and justice indifferently done to all men. 3. All statutes of purveyors confirmed. 4. Against maintenance of quarrels. 5. Confirmation of the statutes concerning the exchequer; punishment of a clerk of the exchequer making process for a debt paid. 6. Against villains that withdraw their services. 7. Against giving of liveries for maintenance. 8. Touching protections *cum clausula volumus*. 9. Gifts of lands or goods for maintenance shall be void, and assizes shall lie against the pernor of the profits. 10. Confirmation of a pardon granted in the 15th year of Edw. II. 11. None that hath been sheriff shall be sheriff within 3 years after. 12. Touching prisoners of the Fleet suffered to go at large. 13. Obligations made by spiritual men to do contrary to the laws of the church, shall be void. 14. Concerning tithes. 15. That no spiritual person be arrested during divine service.

2 Rich. II.—1. That merchants strangers may safely bring any merchandizes into this

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realm. 2. Against forestalling of wines. 3. For merchants and others towards the west parts. 4. Against mariners flying out of the king's service without licence. 5. Against raisers of false news or seditious rumours. 6. Against Welshmens taking away women and maids out of England, and other abuses. 7. Urban was duly chosen pope, and so ought to be accepted and obeyed. 8. Confirmation of the statutes of labourers.

Other Statutes made the same 2d year. Stat. 2.—1. Confirmation of the Liberties of the Church, the Great Charter, Charter of the Forest, and of all Statutes. 2. Repeal of so much of the act made the last parl. as toucheth unlawful assemblies in Wales. 3. For process to be made against them, which after gifts made of their lands and goods by collusion, fly to sanctuary.

3 Rich. II.—1. Confirmation of all liberties and statutes. 2. The penalty of the aulnager for sealing of faulty cloth. 3. Against farming of benefices of aliens.

4 Rich. II.—1. For the gauging of wines, oils, and honey. 2. The king's pardon.

5 Rich. II.—1. Confirmation of the Liberties of Holy Church, the Great Charter, the Charter of the Forest, and all other Statutes not repealed. 2. Against transporting gold and silver out of the realm, and against departure of the king's subjects out of the realm without licence. 3. Against importing or transporting of merchandizes, but only in English ships. 4. Concerning the prices of wines to be sold in the realm. 5. Sweet wines and claret not to be sold by retail in England after the nativity of st. John. 6. The king's pardon to those that repressed the late rebellion. 7. Manumissions made by menace at the late insurrection shall be void. 8. Against entering into lands where it is not lawful. 9. Touching deeds destroyed in the late insurrection. 10. Touching discharges of debts and accompts in the exchequer. 11. The covenants of them that shall serve the king in his wars or embassages to be put in writing, and returned into the exchequer. 12. That accompts in the exchequer be shortly heard. 13. For two clerks to be assigned to make parcels of accompts in the exchequer. 14. That accounts of *Nichil* be put out of the exchequer. 15. Concerning the clerk of the pipe, and the two remembrancers for the entry of writs of the great and privy seal, and to make schedules and certificates. 16. Upon a judgment of livery, the remembrancer shall cause the suit to cease. 17. The fees of the clerks of the exchequer for making a commission or record of *Nisi prius*.

Other Statutes made the same 5th year. Stat. 2.—1. For the well intreating of merchants strangers. 2. For passing of wools, leather, and fells. 3. A subsidy granted to the king, so that it may be wholly imployed upon the safe keeping of the seas. 4. For coming to the parl. 5. Against preachers of heresies.

6 Rich. II.—1. Confirmation of all Liberties of the Church, Magna Charta, Charta Forestæ, with all Statutes not repealed. 2. For actions to be pursued in their proper counties. 3. In what courts writs of nusances, called *Vicontiels*, shall be pursued. 4. Touching deeds inrolled that were destroyed in the last insurrection. 5. For sessions to be holden by justices of assize and gaol-delivery in the principal towns. 6. Against ravishing of women. 7. For prices of sweet wines by retail. 8. For qualification of the act touching the navy, made 5 Rich. II. cap. 3. 9. Victuallers to bear no office in towns where they dwell. 10. Aliens bringing victuals into the realm may sell the same in gross or by retail. 11. That hosts use no more forestalling of victuals. 12. Mayors to be sworn to keep the ordinances of fishmongers and victuallers. 13. The king's pardon touching the late rebellion.

At another parl. holden the same 6th year.—1. A statute enlarging the same pardon. 2. Confirmation of the statutes of purveyors. 3. Release of such from actions of trespass as can prove they were compelled to the late insurrection. 4. Actions of trespass to be brought within a limited time. 5. The number of witnesses to prove the compulsion.

7 Rich. II.—1. Confirmation of the Liberties of the Church. 2. Confirmation of Magna Charta, the Charter of the Forest, and all Statutes not repealed. 3. For calling of jurors within forests. 4. Touching imprisonment by officers of the forests. 5. Touching night-walkers, rogues, and vagabonds. 6. Proclamation to be made four times yearly, by the sheriffs, of the statute of Winchester. 7. That *Nisi prius* be granted at the suit of any of the jurors, if the parties, after the distress three times served, do refuse it. 8. For purveyors. 9. Against deceit of cloths. 10. Touching assize for rent going out of lands lying in two counties. 11. The statute of victuallers, 5th and 6th of king Rich. repealed. 12. No alien shall occupy any benefice of the church. 13. Against riding in harness. 14. Concerning attornies of defendants in writs of *Præmunire facias*. 15. Against champerty and maintenance. 16. Against sending armour or victual in Scotland. 17. For mainpernors to satisfy the plaintiff for his delay, where the defendant keepeth not his day.

8 Rich. II.—1. Confirmation of the Liberties of the Church, Great Charter, the Charter of the Forest, and all Statutes. 2. That no man of law be justice of assise or gaol-delivery in his own country. 3. Neither the king's justices, nor barons of the exchequer, shall take fee or reward, but of the king. 4. Against false entering of pleas, raising of rolls, and changing of verdicts. 5. Of the jurisdiction of the constable and marshal.

9 Rich. II.—1. Confirmation of all Statutes not repealed, saving of a Statute made 8. R. II. c. 3. 2. Touching villains flying to cities and boroughs. 3. For writs of attaint and error for them in the reversion. 4. Trial whether

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a prior be dative and removeable, or perpetual. 5. For fees of priests taken in the marshalsea of the king's house.

10 Rich. II.—An act for the good governance of the realm.

11 Rich. II.—1. The abp. of York and others attainted of high treason. 2. Clause to prevent fraudulent conveyances of their estates. 3. The estates of the bp. of Chichester and others also forfeited. 4. The penalty of concealing any part of the said estates. 5. Issues in tail, and jointures of women excepted. 6. Penalty of petitioning the king for any grant of the said estates during the war. 7. All merchants, aliens and denizens may buy and sell without interruption. 8. Certain annuities granted by the king, made void. 9. That no new impositions be put upon wools, leather, &c. 10. That no letters from the king under the signet or privy seal be sent in disturbance of the law. 11. For keeping assises and sessions in chief towns.

12 Rich. II.—1. Confirmation of the Liberties of the Church, the Great Charter, the Charter of the Forest, and of all Statutes not repealed. 2. Touching electing of officers. 3. Confirmation of all statutes for labourers and victuallers, and for stocks to be in every town, for demeanour of labourers. 4 and 5. For wages for labourers, and how they shall behave themselves. 6. Concerning weapons not to be worn by artificers, and against unlawful games to be used by them. 7. For beggars. 8. Concerning such as pretend themselves to have been captive or maimed in foreign countries. 9. Touching vagabonds, and concerning artificers and labourers. 10. How many justices of the peace shall be in every county, and for holding of their sessions. 11. The punishment of him that telleth lies of the peers or great officers of the realm. 12. In what cases the lords and spiritual persons shall be contributary to the expences of the knights of parl. 13. For avoiding of annoyances by casting of dung or carrion into ditches and other places. 14. For the measure of cloths. 15. That none pass out of the realm to obtain any benefice of holy church. 16. For removing the staple from Middleborough to Calais.

13 Rich. II.—1. The king's presentee shall not be received into a church full of an incumbent, till he hath recovered it by law. 2. Touching the jurisdiction of the constable of England. 3. The jurisdiction of the steward and marshals court shall not exceed 12 miles from the king's lodging. 4. Concerning the duty of the clerk of the market of the king's house. 5. Touching the jurisdiction of the admiral. 6. Touching serjeants at arms and their office. 7. Touching the office of justices of peace. 8. Touching servants and labourers, and for the price of victuals and horse bread. 9. Touching packing, and for true weights and measures. 10. The length and breadth of cog-ware and Kendal cloths. 11. Touching cloths made in the counties of Somerset, Gloucester, Dorset, and Bristol. 12. Touching tanners and cordwainers. 13. The ability of such as shall be permitted to hunt. 14. Touching recognizances and double bonds in the exchequer. 15. Rejoining of castles and gaols to the counties. 16. Touching protections. 17. Where he in reversion may be received in a suit commenced against the particular tenant. 18. Touching attaints in Lincoln. 19. For the preservation of fish. 20. At what ports pilgrims shall pass out of the realm.

Other Statutes made the same 13th Year.—1. Touching charters of pardon. 2 and 3. Touching provisoes. An ordinance to prevent disturbance in judicial proceedings.

14 Rich. II.—1. For removing the staple from Calais to England. 2. Touching exchanges to the court of Rome. 3. The mayor and officers of the staple shall be sworn to the king. 4. Against regrating of wools. 5. Touching the carrying of wool and lead out of the realm by strangers. 6. For the freighting of English ships. 7. For the shipping of tin only at Dartmouth. 8. Touching gauging of Rhenish wine. 9. That merchant strangers be well intreated. 10. No customer nor comptroller shall have ship of his own, nor shall hold his office but at the king's pleasure. 11. For the number of justices of peace in every county, and their wages. 12. At what value Scottish money shall be current.

15 Rich. 2.—1. Confirmation of former statutes. 2. Against forcible entries. 3. The admirals jurisdiction. 4. Touching the measuring corn in London. 5. What is mortmain. 6. In appropriation of churches there shall be provision made for the poor and a vicar. 7. Touching carrying of victuals or merchandizes into Scotland. 8. For the shipping of tin, and for repeal of a statute made 14 Rich. II. c. 7. 9. For the taking of recognizances of the staple. 10. Touching cloth made in Surry, Sussex, and Southampton. 11. Touching girdlers. 12. Against answering before the council of lords and ladies concerning freehold.

16 Rich. II.—1. Concerning merchants aliens retailing merchandizes. 2. Against such as compel any persons to appear before the council of lords and ladies, to answer for their freehold. 3. That the clerk of the market have weights and measures according to the standard. 4. Touching liveries. 5. Premunire for purchasing bulls from Rome. 6. Touching the obtaining charters of pardon.

17 Rich. II.—1. Against the melting money to make plate, and prohibiting foreign coins. 2. Touching cloths. 3. Touching transportation of worsteds. 4. For the cleansing of malt sold in London. 5. For certain officers to have no estate in their offices for life nor years, but only at the king's pleasure. 6. For damages for them that be vexed before the counsel, or in the chancery, upon untrue suggestions. 7. Touching the carrying of corn out of the realm. 8. Against riots and

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unlawful assemblies. 9. That justices of peace be conservators of the statutes for preservation of salmon. 10. Two learned men in the law shall be in every commission of gaol delivery. 11. Aldermen of London shall not be elected yearly, but remain until they be put out for reasonable cause. 12. An explanation of the statute 28 Edw. 3. c. 10. That the mayor, aldermen, &c. of London, shall not incur the penalty of the said statute for erroneous judgment. 13. The ward of Farringdon Without shall elect an alderman.

20 Rich. II.—1. Against riding or going armed. 2. Touching liveries. 3. That no lords nor others sit with justices of assise on the bench. 4. That no ship be compelled to come to any port in England. 5. Against taking of horses without warrant. 6. An act licensing Belknap and others to come into England.

21 Rich. II.—1. Confirmation of the Liberties of Holy Church, and of all cities, boroughs, and commonalties. 2. Repeal of the commission made to the earl of Arundel, and others. 3. For the forfeiture and punishment of traitors. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14. Acts touching the king and conservation of the realm. 15. The king's general pardon. 16. Authority given to certain commissioners to examine and answer petitions. 17. Against licenses to ship merchandizes of the staple. 18. For carrying lastage of stones to Calais, to repair the same. 19. Confirmation of statutes made for pulling down of wears. 20. Against them that pursue to reverse any thing made in this parliament.

## HENRY IV.

*A Parl. called.*] It may not be amiss in the beginning of this parl. to give the names of the peers summoned to it by the second writ, in Henry's name; and as these, with the peers called to the first, stand in sir Robert Cotton's Abridgement, on two opposite pages, there is no difference except in the names of the kings; and, in the former, sir Thos. Erpingham is put as warden of the cinque ports, which in the other he is not. The first writ is thus directed, "*Rex* [*Richardus*] *&c. dilecto consanguineo suo Henrico duci Lancastriæ salutem, &c. apud Westmonasterium in crastino S. Michaelis proximo futuro. Teste rege apud Cestriam xxix die Augusti.*" The other is, "*Rex* [*Henricus*] *&c. Henrico duci Lancastriæ* [*filio suo*] *&c. apud Westmonasterium, in festo sanct. Fidis Virginis, sexto die Octobris*, 1399. *Teste rege apud Westmonasterium*, 30 *Septembris.*" See sir Robert Cotton's Abridgement of the Records, from which work the parliamentary proceedings of this and some succeeding reigns are almost wholly taken.—Next follow the

*Names and Titles of the Peers.*

Edm. duke of York
Edw. d. of Albemarle
Thos. d. of Surrey
John d. of Exeter
John marq. of Dorset
Thos. de Beauchamp, earl of Warwick
Aubrey de Vere, e. of Oxford
Edw. Courtney, e. of Devon
John de Montacute, e. of Sarum
Henry Percie e. of Northumberland
Edw. e. of Stafford
M. de la Pole e. of Suffolk
Thos. de Percie e. of Worcester
Thos. le Despenser e. of Gloucester
Ralph Nevile e. of Westmoreland
Thos. ld. de Camois
John ld. Bourchier
John ld. de Charleton Powys
Wm. ld. Clinton
Thos. ld. de la Ware
Stephen ld. Scrope of Masham
Wm. ld. Roos of Hamlake
W. ld. Ferrers of Groby
Thos. ld. Morley
Rd. ld. Scrope
Hugh ld. Burnel
Thos. ld. Berkeley of Berkeley
John ld. Welles
Philip ld. Despencer
Almaric ld. St. Amand
Ralph ld. Cromwell
Ralph ld. Lumley
Ralph ld. Greystock
Rob. ld. Harrington
Henry ld. Fitz-Hugh
John ld. Darcy
Walter ld. Fitz-Walter
Wm. ld. Willoughby
John ld. Cobham
Wm, ld. Dacre
Wm. ld. Nevile of Hallomshire
Rd. ld. Seymore
Wm. Beauchamp ld. Bergavenny
Jn. ld. Lovell, of Tichmarsh
Rd. ld. Grey of Codonore
Reginald ld. Grey of Ruthin
Thos. ld. Bardolf of Wormgay
Rob. ld. Scales
Peter ld. Mauley.

On Monday, being the 6th of Oct. 1399, these peers, with the bps. and commons of England, being assembled in the great hall at Westminster, and the new king placed in the royal throne; by his command, Tho. Arundele, abp. of Canterbury, declared, "That this parl. was summoned by king Richard, to be held the Tuesday next before. Which summons was annulled and made void by the accepting of the Renunciation of the said king Richard, and deposing of him; which was done the same day in the presence of the king, lords and commons, as by the process hereafter to be read would appear."—He then told them, "That this most famous realm, abounding in all felicities, had been long governed by children and young counsellors, and would utterly have been ruined and wasted, had not God sent a wise and discreet man to govern the same, who meant, by God's help, to be governed himself by the wise and old heads of the realm."—After this he took for his text these words out of Maccabees, *Incumbit nobis ordinare pro regno*, i. e. it is the king's will to be governed by the honourable, discreet, and sage men of the realm, and by their common consent; and not by his will or humour, to rule the same. He further laid great stress on this, "That this nation, of any under the sun, might best support and live within itself, alledging for authority this adage, *Quod inter regna, hoc principatum tenet.*" To these he added, "That to every good govt. 3 things were required; 1st, justice; next, that the laws should be duly observed; and lastly, that every degree of men, in their several vocations, should be encouraged and protected." He

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brought many reasons why this nation ought to be well governed, and said, "That their new king intended strictly to observe these 3 points. He concluded with acquainting them, "That Henry, their king and lord, meant to be crowned on the Monday following, after which he would wholly addict himself to the care of the commonwealth; and desired the commons that they would consent to have the parl. continued to the Tuesday following." After this harangue was ended, Henry Percie, earl of Northumberland, and constable of England, demanded of the lords and commons, whether they would agree to this continuance, who, being all and severally examined, consented thereto.—Then the receivers and triers of petitions for England, Ireland, Wales, and Scotland, were appointed, with those for Gascoigny, and other places beyond the seas, with the isles.

*Renunciation of Richard II.*] The next thing they went upon, was to read the record of the Renunciation of king Richard II. with their acceptance of the same, and the deposition of the said king, as follows:

*The roll of parliament summoned and holden at Westminster, on the feast of st. Faith the virgin, in the first year of the reign of king Henry IV. after the conquest, membrane XX.*

*The record and process of the renunciation of king Richard II. after the conquest, and likewise the acceptance of the same renunciation, with the deposition of the same king Richard afterwards ensuing.*

"Be it remembered, that on Monday the feast of st. Michael the archangel, in the 23rd year of the reign of king Richard II. the lords spiritual and temporal, and other persons of note; that is to say, the lord Rich. le Scroop, abp. of York, John bp. of Hereford, Henry earl of Northumberland, and Ralph earl of Westmoreland; the lord Hugh de Burnel, Tho. lord de Berkeley, the prior of Canterbury with the abbot of Westminster, Wm. Thyrning, knight, and John Markham, justices; Tho. Stow and John Burbache, doctors of laws, Tho. de Erpingham and Tho. Gray, knights, Wm. de Feryby and Dionysius Lapham, public notaries, first deputed to the act under-written, by the assent and advice of several of the lords spiritual and temporal, and of the judges and others, skilful as well in the civil and canon law, as in the laws of the realm, assembled at Westminster in the usual place of council; did about 9 of the clock come to the presence of the said king, being within the tower of London: and it being recited before the said king, by the said earl of Northumberland, in the behalf of all the rest before-named, so as aforesaid joined with him: how the said king heretofore at Conway in North-Wales, being at liberty, did promise unto the lord Tho. abp. of Canterbury, and the earl of Northumberland, that he would yield up and renounce the crown of England and France, and his regal majesty, for causes of his inability and insufficiency, there by the said king himself confessed, and that in the best manner and form the same could be done, as counsel learned should best order; the said king before the said lords and others above-named, hereunto benignly answered, "That he would with effect accomplish, what before in that behalf he had promised," but desired to have some discourse with his cousins, Henry duke of Lancaster, and the said lord abp. of Canterbury, before he fulfilled such his promise. Afterwards the same day after dinner, the said king much affecting the coming of the said duke of Lancaster, and having long waited for him, at last the said duke of Lancaster, the lords, and others above-named, and also the said abp. of Canterbury, did come to the presence of the said king in the tower aforesaid; the lords de Roos, de Willoughby, and de Bergavenny, and very many others being then there present; and after the said king had had discourse with the said duke of Lancaster and abp. exhibiting a merry countenance here and there amongst them to part thereof, as appeared to those that stood round about; at last the said king calling to him all that were there present, did publicly say before them, "That he was ready to make the renunciation, and to renounce and recede, according to the promise by him made as aforesaid." And so forthwith, although, as was said unto him, he might have made some deputy to have served as the organ of his voice, for avoiding so tedious a labour as the reading of the said cession and renunciation, reduced by others into a schedule of parchment; yet the said king, very willingly as appeared, and with a pleasant countenance, holding the said schedule in his hand, said, "That he himself would read it," and distinctly read the same through: and also did absolve all his liege people, and renounce, and recede, and swear, and other things did say and pronounce in reading, and did subscribe it with his own hand, as is more fully contained in the said schedule; the tenor whereof is such."

"In the name of God, Amen. I, Richard, by the grace of God, king of England and France, and lord of Ireland, do absolve the abps. bps. and other prelates of churches, secular or regular, of whatsoever dignity, degree, state, or condition they be; the dukes, marquisses, earls, barons, vassals, and valvasors, and all and every my liege people whatsoever, ecclesiastics or seculars, of all the said kingdoms and dominions, by what name soever they are known, from the oath of fealty and homage, and other oaths whatsoever to me made, and from all bond or tye of legiance, royalty, and dominion, whereby they have been or are obliged, or otherwise in any manner bound unto me. And I do free, release, and acquit them and their heirs and successors for ever, from the said oaths and other obligations whatsoever. And I do dismiss them free, unloosen, quit and in full immunity, as far as relates to my person, to every effect of law which may follow from the premisses, or any of them.

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And I do purely, of my own accord, simply and absolutely, in and by the best manner, way, and form that may be, in these writings, renounce and totally resign, all kingly dignity and majesty, and the crown and dominion and power of the said kingdom and dominions, and all other my dominions and possessions, or any way belonging or appertaining unto me, by what name soever they may be reckoned up within the aforesaid kingdoms, or elsewhere; and all right and colour of right and title, possession, and dominion, which at any time I have had, now have, or by any means shall have in or to the same, or any of them, with their universal rights and appurtenances, or any dependencies however, on them or any of them: and also the rule and government of the said kingdoms and dominions, and their administration, and all manner of meer and mixt empire and jurisdiction to me in the said kingdoms belonging, or that may be belonging; and to the name of king, and the honour, regality, and celsitude royal, purely, voluntarily, simply, and absolutely, by the best manner, way, and form, that the same can be done in these writings, I do renounce, and them do totally resign, and in deed and in word dismiss and quit the same, and from them do recede for ever. Saving to my successors kings of England, the rights to them or any of them belonging, or that shall any way belong, in the said kingdoms or dominions, and all other the premisses for ever. And I do confess, acknowledge, repute, and truly and out of certain knowledge, do judge myself to have been and to be utterly insufficient and unuseful for the rule and govt. of the said kingdoms and dominions, with all their appurtenances: and that for my notorious demerits I deserve to be deposed. And I do swear upon these holy gospels of God, by me corporally touched, that I will never act contrary to the said resignation, renunciation, dismission, and cession; nor any way oppose the same in deed or in word, by myself or any other or others: nor will, as much as in me lies, permit the same publicly or privately to be contrained or opposed; but the said renunciation, resignation, dismission, and cession, will for ever esteem ratified and well-pleasing, and firmly hold and observe the same in the whole and in every part; so God me help, and these holy gospels of God. I the before-named king Richard do here subscribe myself with my own hand."

"And presently to the said renunciation and cession, the said king added by word of mouth, 'That if it lay in his power the said duke of Lancaster should succeed him in his kingdom.' But, because, as he said, this did not depend on his pleasure, he did request the said abp. of York, and bp. of Hereford, whom he for that time had constituted his procurators, to declare and intimate such his cession and renunciation to the states of the kingdom, 'That they would be pleased to signify to the people, his will and intention in that behalf;' And in token of such his will and intention, did then and there openly pluck off the golden ring of his signet from his own finger, and put it upon the finger of the said duke of Lancaster, desiring as he affirmed, that the same might be made known to all the states of the kingdom. Which being done, taking their leaves on both sides, they all went out of the said tower to return to their lodgings.

"But on the morrow, viz. Tuesday the feast of st. Jerome, in the great hall at Westminster, in the place honourably prepared for holding the parl. the said abps. of Canterbury and York, and the duke of Lancaster, and other dukes and lords, as well spiritual as temporal, whose names are under written, and the commons of the said kingdom, assembled in a great multitude in parl. being present, and the said duke of Lancaster being seated in a place due to his quality, and the chair of state, being solemnly adorned with cloth of gold, but then empty, without any person whatever presiding therein: the above-named abp. of York, in the name of himself, and of the said bp. of Hereford, according to the order of the said king, did publicly declare the Cession, and Renunciation, to have been so made by him as aforesaid, with the subscription of his royal hand, and delivery of his signet. And the said Cession and Renunciation, did there cause to be read by another, first in Latin and then in English.

"Immediately after which, it was demanded of the estates and people there present, to wit, first of the abp. of Canterbury, to whom, by reason of the dignity and prerogative of his metropolitan church of Canterbury, it belongs in this behalf to have the first voice amongst the rest of the prelates, and nobles of the realm, 'whether, for their interest and the utility of the kingdom, they would be pleased to admit such Renunciation and Cession.' And the said states and people, judging from the causes by the said king himself, in his Renunciation and Cession aforesaid, signified, that the same was very expedient, did each man singly by himself, and in common with the people, unanimously admit the said Cession and Renunciation. After which admission, it was then and there publicly declared, that besides such Cession and Renunciation, so as aforesaid admitted, it would be very expedient and profitable to the kingdom, for the removing of all scruples, and taking away sinister suspicions, that very many crimes and defects, by the said king about the ill governance of his kingdom very often committed, reduced into writing by way of articles, by reason of which, as himself affirmed in the Cession, by him made, he was deservedly to be deposed, should be publicly read, and declared to the people. And so the greatest part of the said articles were then and there read through. The tenour of all which articles is such:"—

*Articles against Richard II.*

"Imprimis, It is objected against king Richard, that whereas by reason of his ill

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govt. viz. his giving away the goods and possessions belonging to his crown, and that to persons unworthy; and his indiscreet squandering the same away otherwise, and to that end imposing, without cause, collections and other grievous burthens on his people, more than they were able to bear: and also innumerable other evils by his assent and command perpetrated; there were by the whole parl. certain prelates, and others, temporal lords, elected and assigned, who might with all their power, and at their own charges, faithfully labour about the just govt. of the realm: yet the king causing a conventicle to be held by him, with his accomplices, the said lords, as well spiritual as temporal, so occupied about the safety and profit of the kingdom, did propose to impeach of high treason; and did violently draw the judges of the kingdom, for fear of death and corporal tortures, to such his wicked purpose, most vigorously striving to destroy the said lords.—II. The said king lately at Shrewsbury, caused several, and the greater part of the judges, to come before him and his favourites privately in a chamber, and by menaces, and various terrors, and such affrightments as might fall even upon men of constant resolutions, did induce, cause, and compel them severally to answer certain questions there propounded, on the behalf of the king; concerning the laws of his kingdom, besides, and against their will, and otherwise than they would have answered, had they been at liberty and unforced.. By colour of which answers, the said king purposed to have proceeded afterwards to the destruction of Tho. duke of Gloucester, and the earls of Arundel and Warwick, and other lords, against whose deeds and behaviour the said king was much incensed, chiefly because they desired the said king to be under good guidance; but providence withstanding it. by the resistance and power of the said lords, the king was not able to bring such his design to effect.—III. When the lords temporal defending themselves, had withstood his malice and fraud, and the said king had prefixed a day for holding his parl. to do them and other inhabitants of the realm, justice in that behalf, and the said temporal lords were quietly and peaceably gone home, and at rest in their houses, in hope and confidence of the said parl. the king secretly sent the duke of Ireland with his letters and standard towards Chester, and there gathered multitudes in arms, and caused them to rise against the said lords, the nobles of the kingdom, and servants of the state, publicly erecting his standard against the peace which he had sworn to keep. From whence slaughters of men, captivities, dissentions, and other infinite mischiefs, did ensue throughout the whole kingdom; by which act he became guilty of perjury.—IV. Although the said king had in full parl. and by the assent thereof, pardoned the said duke of Gloucester, and earls of Arundel and Warwick, and all their assistants, and others, all offences; and had for many years shewn signs of peace and love, to the said duke and earls, and to the rest appeared with a pleasant and benign countenance. Yet the said king always and continually bearing gall in his heart, did at last, taking an opportunity, cause the said duke of Gloucester, the uncle of him, the said king, and also the son of Edw. the late king of England, of happy memory, and constable of England, then humbly going to meet the said king, in solemn procession; and the said earls of Arundel, and Warwick, to be taken and arrested; and him the said duke out of the kingdom of England, to the town of Calais, did cause to be led, and there imprisoned, and under the custody of the earl of Nottingham, one of the appellors of the said duke, detained, and without answer, or any lawful process whatsoever, did inhumanly and cruelly cause to be suffocated, strangled, and murdered. And the earl of Arundel, though he pleaded as well the general pardon, as a pardon afterwards to him specially granted, and desired justice to be done him, yet in his parl. encompassed with armed men, and innumerable archers of the people by him gathered to that purpose by pressing, did damnably cause to be beheaded. And the earl of Warwick, and lord Cobham, did commit to perpetual imprisonment; wickedly and against justice, and the laws of his kingdom, and his express oath, confiscating their lands and tenements, as well fee-simple, as fee-tail, from them and their heirs, and giving the same to their appellors.—V. At the same time, that the king in his parl. caused the duke of Gloucester, and earls of Arundel and Warwick, to be adjudged, that he might more freely exercise his cruelty upon them, and accomplish his injurious will in other matters, he gathered to himself a great multitude of malefactors of the county of Chester; of whom some passing with the king through the kingdom, as well within the king's palace as without, did cruelly kill the liege subjects of the kingdom, and some they beat and wounded, and did plunder the goods of the people, and refuse to pay for their victuals, and did ravish and violate their wives, and other women; and though there were grievous complaints, of such their excesses, brought to the hearing of the said king, yet the said king did not regard to cause justice to be done, or any remedy thereupon, but did favour the said troops in such their evil-doings, trusting in them and their guard, against all others of his kingdom; for which cause, the faithful people of his kingdom had great matter of commotion and indignation.—VI. Although the said king by his writs, caused proclamation to be made throughout the whole kingdom, that he had caused his uncle the duke of Gloucester, and the earls of Arundel and Warwick, to be taken and arrested, not for any assemblings or troopings by them formerly made within the kingdom of England, but for very many extortions, oppressions, and other things by them

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afterwards done, and perpetrated, against his royalty, and kingly maj.; and that it was not his intention, that any of the family of the said duke, and earls, or of their followers at the time of such assembling, and trooping, should for that occasion be molested, or aggrieved; yet the said king, at last, in his parl. did not impeach the said lords for extortions, oppressions, or any such matters, but for the assemblings and troopings aforesaid did adjudge them to death; and very many of the family of the said lords, and others, who were following them at the time of such their assembling, and trooping, he did, for fear of death, force to make fine and ransom, as traitors or rebels, to the great destruction of a great number of his people. And so he did subtlely, fraudulently, and maliciously deceive the said lords, and their domestics, and the people of his kingdom.—VII. After very many of those persons so making fine and ransom, had obtained of the king his letters patent of full pardon in the premises, they could not reap any commodity by such letters of pardon, till they had made new fines, and ransoms, for saving of their life, whereby very many were impoverished; which was a great derogation and dishonour to the name and state of a king.—VIII. In the last parliament held at Shrewsbury, the said king purposing to oppress his people, subtlely procured, and caused it to be granted, "that the power of the parl. by the consent of the states of this kingdom, should remain in certain persons, to determine, after the dissolution of the parl. certain petitions in the said parl. exhibited, but then not dispatched." By colour of which grant, the persons so deputed proceeded to other things generally touching that parl. And this with the will of the king; in derogation of the state of parl. and the great damage of the whole kingdom, and pernicious example. And that they might seem to have some colour and authority for such their doings, the king caused the Parl. Rolls to be altered and blotted at his pleasure, against the effect of the said grant.—IX. Notwithstanding the said king at his coronation had sworn, "that in all his judgments, he would cause to be done equal and right justice and discretion, in mercy and truth, according to his power;" yet the said king, rigorously, without all mercy, did, amongst other things, ordain, under grievous penalties, that none should sue for any favour, or intercede with the said king, for Henry duke of Lancaster being banished, whereby the said king did act against the bond of charity, rashly violating his oath aforesaid.—X. Although the crown of the kingdom of England, and the rights of the said crown, and the kingdom itself, have in all time past been so free, that our lord the pope, nor any other without the kingdom, ought to concern himself about the same; yet the aforesaid king, for the corroboration of such his erroneous statutes, did make supplication to our lord the pope, that he would confirm the statutes ordained in his last parliament; whereupon our lord the pope granted his Apostolic Letters, in which grievous censures are denounced against any that should presume in any thing to act contrary to the said statutes; all which are well known to tend against the crown and royal dignity, and against the statutes and liberties of the said kingdom.—XI. Although the lord Henry, now duke of Lancaster, by the king's command, had preferred his bill touching the "State and Honour of the King" against the duke of Norfolk, and the same had duly prosecuted; so that, according to the king's order, he had exhibited himself in all points prepared for the combat; and the said king had declared, that the said duke of Lancaster had honourably performed his devoir as much as in him lay; and this by a decree publicly proclaimed before all the people assembled at the said combat; yet the said king, without any legal reason whatsoever, did cause and command the said duke to be banished for ten years, against all justice, and the laws and customs of this kingdom, and the law of war in that behalf, thereby damnably incurring perjury.—XII. After the said king had graciously granted by his letters patents, to the lord Henry, now duke of Lancaster, that in his absence, whilst he was banished, his general attornies might prosecute for livery to him to be made of all manner of inheritance or successions belonging unto him; and that his homage should be respited, paying a certain reasonable fine; he injuriously did revoke the said letters patent, against the laws of the land, thereby incurring the crime of perjury.—XIII. Notwithstanding that it was enacted, that every year the officers of the king, with his justices, and others of the king's council, should choose sheriffs for all the counties of England, and name them to our lord the king, according as to their discretion and conscience should seem expedient, for the good and utility of the kingdom, the said king hath caused persons to be made sheriffs, not so nominated or elected; but others, according to the capricies of his pleasure, sometimes his favourites or creatures, and sometimes such as he knew would not oppose his humour, for his own and others private advantage, to the great grievance of his people, and against the laws of his kingdom, thereby notoriously incurring perjury.—XIV. At such time as the aforesaid king requested, and had of very many lords and others of his kingdom, divers sums of money by way of loan, to be paid again at a certain term, notwithstanding the said king faithfully promised by his several letters patent to the several persons of whom he borrowed the said monies, that at the term limited as aforesaid, he would repay the same; yet he did not fulfil such his promise, nor are they yet satisfied the said monies, whereby such creditors are much aggrieved; and not only they, but many others of the kingdom, repute the king unfaithful.—XV. Whereas the king of England, by the revenue of his



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kingdom, and the patrimony belonging to his crown, is able to live honestly, without the oppression of his people, as long as the kingdom is not burdened with the charge of wars; yet the said king, in a manner, for his whole time, during the truces between the kingdom of England and its adversaries, hath not only given away a great, yea indeed the greatest part of his said patrimony, and this to unworthy persons; but also hath further imposed on his subjects so many burdens of money granted, as it were, every year of his reign, that thereby he hath extremely and too excessively oppressed his people, to the impoverishment of his kingdom; not converting the goods so levied to the commodity and profit of the kingdom of England, but prodigally squandering it away, for the ostentation of his name, and in pomp and vain-glory; whilst great sums of money are owing in his kingdom for the victuals of his household, and other things bought, though he hath abounded with riches and treasures more than any of his progenitors.—XVI. The said king, not willing to keep or protect the just laws and customs of his kingdom, but according to his arbitrary will to do whatsoever should occur to his desires; sometimes, and very often, when the laws of his kingdom have been expounded and declared to him by the judges and others of his council, and that they have desired that he would do justice according to those laws, hath expressly, and with an angry and haughty countenance, said, 'that his laws were in his mouth;" and sometimes, "that they were in his breast;" and that "he himself alone could make and change the laws of his kingdom:" and being seduced with that opinion, did not suffer justice to be done to very many of his liege people, but by threats and terrors hath forced very many to cease from the prosecution of common justice.—XVII. That after certain statutes had been made in parl. which always bind till they are specially revoked by the authority of another parl. the said king, desiring to enjoy such liberty that no such statutes should so bind him, but that he might do and execute his pleasure, subtlely procured a petition to be preferred in his parl. on behalf of the commonalty of his kingdom, and to be granted to him in general, "that he might be as free as any of his progenitors were before him." By colour of which petition and concession, the said king hath very often commanded very many things to be done against such statutes unrepealed; acting therein expressly and knowingly against his oath taken in coronation, as aforesaid.—XVIII. Although it was enacted and ordained, that no sheriff should hold his office above one year together; but that 3 years should pass before he should be again admitted to that office; the said king ftd. sometimes for his own single commodity, and sometimes at the instance of others for their advantage, hath permitted and caused certain sheriffs to stand and remain continually in their offices, sometimes 2, sometimes 3 years, against the tenor and effect of the statute aforesaid, thereby incurring perjury; and this is notorious, public, and generally ill spoken of.—XIX. Although by the statute and custom of his realm, in the calling together of every parl. his people in the several counties of the kingdom ought to be free in choosing and deputing two knights to be present in such parliament, for each respective county, and to declare their grievances, and to prosecute such remedies thereupon, as to them shall seem expedient; yet the aforesaid king, that in his parliaments he might be able more freely to accomplish the effects of his headstrong will, did very often direct his commands to his sheriffs, that they should cause to come to his parliaments, as knights of the shire, certain persons by the said king named; which knights, being his favourites, he might lead, as often he had done, sometimes by various menaces and terrors, and sometimes by gifts, to consent to those things as were prejudicial to the kingdom, and exceeding burdensome to the people; and especially to grant to the said king a subsidy on wool for the "term of his life," and another subsidy for certain years, thereby too grievously oppressing his people. —XX. The said king, that he might more freely fulfil and follow in every thing his own arbitrary will, did unlawfully cause and command, that the sheriffs throughout his whole realm, besides their ancient accustomed oath, should swear that they would obey all his commands, as often as they should be directed to them, under his great and privy seal, and also his letters under his signet; and that in case the said sheriffs should come to know that any within their baliwicks, of whatsoever condition they were, had publicly or secretly said or spoken any ill, that might tend to the disgrace or scandal of his royal person, they should arrest and imprison them, there safely to be kept till they should receive command from the king to the contrary, as may be found in the record; which fact may probably tend to the destruction of many of the liege people of the said kingdom.—XXI. The said king, striving to trample under foot his people, and subtlely to acquire their goods to himself, that he might abound in superfluous riches, did cause the people of 17 counties of the realm to submit themselves to the king as traitors, by letters under their seals; by colour whereof he got mighty sums of money to be granted him, by the clergy and people of those counties, for obtaining his royal good-will and favour: and though, to please the people, the king had caused those obligatory letters to be restored; yet the procurators of the people, having full power granted them to oblige themselves and their heirs to the said king; he, the said king, caused them under their seals, to be bound to him in the name of the said people; and so deceived his people, and subtlely extorted from them their goods.—XXII. Although the said king, at his coronation, had sworn to keep the liberties granted to the

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church of England; yet the said king, by reason of his voyage into Ireland, did by his letters command very many religious persons, viz. abbots and priors of his kingdom, strictly requiring that some of them should send to him certain horses; and some of them not only horses, but also waggons and carriages for his said voyage, or in lieu thereof great sums of money in the said letters expressed: by which manner of writing, he forced many of such religious out of fear to fulfil his will and command; whereby they were heavily impoverished and oppressed, in manifest derogation of ecclesiastical liberty; by which pretext the said king did incur perjury.—XXIII. In most of the great royal councils, when the lords of the realm, the judges and others, being charged that they would faithfully counsel the king in matters relating to his state and that of his kingdom: the said lords, justices, and others, very often in giving counsel, according to their best discretion, have been by the king suddenly and so fiercely chidden and reproved, that they have not dared to speak the truth, in giving their advice for the state of the king and kingdom.—XXIV. The treasure, crowns, reliques, and other jewels, viz. the goods of the kingdom, which time out of mind have been reposited in the treasury of the kingdom, for the honour of the king, and preservation of his kingdom against any sudden event or exigency; the said king going out of his kingdom into Ireland, did take away, and caused the same to be carried with him, "without the consent of the states of the kingdom:" whereby this kingdom had been vastly impoverished, if God by the retaking of the said goods against the said king's will had not otherwise provided. And furthermore the said king did cause the Rolls of Records touching the state and govt. of his kingdom to be destroyed and rased, to the great prejudice of his people, and disinheriting of the crown of the said kingdom: and all this, as tis probably believed, in favour and support of his evil governance.—XXV. The said king was wont, as it were perpetually, to be so variable and dissembling in his words and writings, and so contrary to himself, and especially in writing to the pope, and to kings, and other lords out of the kingdom, and within it, and also to others his subjects, that no man living that knew his conditions could or would confide in him; nay, he was reputed so unfaithful and unconstant, that it became scandalous not only to his own person, but also to the whole kingdom, and especially amongst foreigners of all the world who came to know the same.—XXVI. Although the lands and tenements, the goods and chattels of every freeman, by the laws of the realm used from all time heretofore, ought not to be taken from him, unless they be forfeited: yet the said king purposing and longing to weaken such laws, in the presence of very many lords, and others of the commonalty of the kingdom, hath frequently said and affirmed, "That the life of every one of his subjects, and his lands, tenements, goods, and chattels, are his, the said king's, at his will and pleasure, without any forfeiture."—Which is utterly against the laws and customs of the kingdom aforesaid.—XXVII. Although it was enacted and ordained, and is hitherto confirmed, that no freeman shall be taken, nor any way destroyed; and that the king shall not pass, nor send any to pass upon him, but by the lawful judgment of his peers, or by the laws of the land: yet by the will, command and order of the said king, very many of his liege people being maliciously accused for having publicly or secretly said something that might tend to the dispraise, scandal, or disgrace of the person of the said king, have been taken and imprisoned, and brought before the constable and marshal of England in the court military, in which court the said liege people being accused would not be admitted to make any other answer, than that they were no way guilty, and would justify the same, and defend themselves by their bodies, and not otherwise; notwithstanding their appellors were young men, stout and lusty, and those so accused, ancient and impotent, maimed or infirm; whereby not only destruction of the lords and grandees of the kingdom, but also of all and singular persons of the commonalty of the same may probably ensue: since therefore the said king hath wilfully acted contrary to such a statute of this kingdom, tis not to be doubted but he hath thereby incurred the crime of perjury.—XXVIII. Although the people of the realm of England, by virtue of their legiance, are fully enough bound to their king; and the said king, by the laws and customs of his kingdom, is enabled to correct and punish his people, if in any kind they transgress; yet the said king desiring to trample on, and too much oppress his people, that he might the more freely execute and follow the humour of his foolish and unlawful will, by his letters to all the counties of his kingdom, did enjoin and command, that all his subjects, as well spiritual as temporal, should take certain oaths in general, which were too grievous to them, and which might probably cause the final destruction of his people; and that they should confirm such their oaths under their letters and seals. To which royal command, the people of his kingdom did submit and pay obedience, that they might not incur his indignation or displeasure, and also for fear of death.—XXIX. When parties contending in the ecclesiastical court in causes merely ecclesiastical and spiritual, had endeavoured to obtain from the chanc. of England, prohibitions to hinder the lawful process in the said courts, and the said chanc. had justly refused to grant the same: yet the said king by letters under his signet, has frequently prohibited the ecclesiastical judges to proceed in such causes, thereby evilly infringing the liberties of the church in the Grand Charter approved, to the conservation whereof he was sworn, and damnably incurring perjury, and the sentence of excommuni-

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cation against such violaters thereof by the holy fathers pronounced.—XXX. The said king without any reasonable or lawful cause whatsoever, or any other process of law, did in his parl. encompassed in warlike manner by armed men, adjudge Tho. of Arundel, lord abp. of Canterbury, (primate of all England, his spiritual father, absenting himself by the treacherous counsel of the said king) to banishment, against the laws of his kingdom, so by him sworn to as aforesaid.—XXXI. By inspection of the testament of the said king, sealed with the great and privy seal, and also with his signet, among other things there is contained this clause or article. "Item, we will that the residue of our gold, (the true debts of our household, chamber, and wardrobe, being paid, for payment whereof we bequeath 20,000 marks, reserving to our executors, 5 or 6000 marks; which we will by them to be expended towards the more plentiful maintenance of the lepers, and chaplains, to celebrate before them, by us founded at Westminster and Bermondsey,) shall remain to our successor, provided always that he approve, ratify and confirm, and hold, and cause to be holden, and firmly observed, all and singular the statutes, ordinances, and judgments, made, given, and rendered in our parl. begun at Westminster the 17th of Sept. in the 21st year of our reign, and in the same parl. continued at Shrewsbury, and there holden; and also all the ordinances, judgments, and establishments, of the 10th Sept. in the 22d of our reign, at Coventry; and afterwards at Westminster, the 8th of March, in the year aforesaid, by the authority of the said parl. and likewise all other ordinances and judgments, which shall hereafter happen to be made by authority of the said parl. But otherwise, if our said successor shall refuse to perform the premises, (which we do not believe) then we will that Tho. duke of Surrey, Edw. duke of Albemarle, John duke of Exeter, and Wm. le Scroop earl of Wiltshire, paying first the debts of our household, our chamber, and our wardrobe, and reserving 5 or 6000 marks, as aforesaid, shall have and hold all the said residue abovementioned; for to support and defend the said statutes, establishments, ordinances and judgments, to their utmost power, even unto death, if it be necessary; upon all which, and every part, we do hereby charge and burden their consciences as they will answer in the day of judgment." By which article it may evidently enough appear, that the said king did obstinately strive to maintain and defend those statutes and ordinances, which are erroneous and unjust, and repugnant to all law and reason. And this not only during his life, but after his death too; neither regarding the peril of his own soul, nor yet the utter destruction of his said kingdom or liege people.—XXXII. In the 11th year of the said king Rd. he the said king, in the chapel of his manor of Langley, in the presence of the dukes of Lancaster and York, and very many other lords, desiring, as it hath appeared, that his uncle the duke of Gloucester, then there present, should fully confide in the good will of him the said king; did voluntarily and of his own accord, swear before the venerable Sacrament of the Lord's Body, there placed upon the altar, that thenceforwards he would never endamage, trouble, or grieve him, the said duke of Gloucester, for any of his deeds which were said to have been committed against the person of him the said king, but did cheerfully and totally forgive him all his offence, if any were. Yet afterwards, notwithstanding such oath, the said king did horribly and cruelly cause the said duke to be murdered, for such the before pretended offences, thereby incurring the guilt of damnable perjury.—XXXIII. After one of the knights of the shires, of the said kingdom, having a voice in parl. had impeached the said Tho. abp. of Canterbury, upon certain defaults, committed against the king's majesty, as was untruly suggested; and the said abp. presently then and there offered himself ready to answer the matters charged upon him; and desired that he might be thereunto admitted by the king, not doubting, as he said, but he should be able sufficiently to shew his innocence: yet the said king, contriving by all the ways and means he could, to oppress the said abp. of Canterbury, and ruin his estate, as the event of the matter has declared, speaking graciously, and with a chearful countenance to the said abp. from his royal seat, did advise, and very earnestly request him, that at that time, he would hold his peace, and expect a better and more fit time to make his defence; which day being passed, the said king from day to day, for 5 days or more, did fraudulently and treacherously deceive the said abp. counselling him, and persuading him, that he should not come to the parl. but wait at home without any fear; because, as the said king faithfully did promise him, there should not in his absence any loss or prejudice be done or happen to him. Notwithstanding all which, the said king, in his parl. aforesaid, did in the mean time, adjudge the said abp. to be banished, during the king's pleasure, though absent, and never any way called to answer, and without any reasonable cause whatsoever; and also voluntarily, against the laws of the kingdom and all justice, confiscated all his goods, whereby he likewise became guilty of perjury. But furthermore, the said king being willing to palliate his malice and subtilty, by flattering discourses which he oft-times had with the said abp. did endeavour to clear himself of such injury done, and make as if it were the doings of others; insomuch that the abp. discoursing with the king, and with the duke of Norfolk, and other lords, and great men of the kingdom; happened to say by way of lamenting his own condition, "That he was not the first that had suffered banishment, nor should he be the last; for he thought in a short time the duke of Norfolk, and other lords would follow him; and confidently averred

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to the king, that all the rigour of these proceedings would finally be returned back on his own head." To which the said king, as astonished, hastily replied, "That he verily thought it might so happen; and that he himself might and indeed ought to be expelled his kingdom by his liege people." And further, the said king said, "That if the same should happen, he would convey himself to the same place, where the said abp. should be." And that the abp. might the rather credit his words, he shewed him a certain great jewel, curiously formed, underneath the skirt of his outward vestment; intimating for certain, to the said abp. that whenever he should send that jewel for a token, he would not delay to come thither, where the said abp. should be resident: and that the said abp. might more confide in him; the said king sent to him, advising him, that he should privately send all his jewels, and other things of value, belonging to his chapel, unto him the said king, for the safe keeping thereof; lest by colour of the before-mentioned judgment, any one should wrongfully seize the same. Which, under the greatest confidence in the world, being done, the said king caused him to reposite the said goods in certain coffers; and the said coffers to be locked up, and sealed by one of the abp.'s clerks; and keeping the said coffers by him, returned the keys thereof by the said clerk to the abp: yet afterwards, unknown to the said abp. caused the said coffers to be broken open, and disposed of the goods therein, at his will and pleasure. Furthermore, the said king faithfully promised the said abp. that if he would but repair to the port of Hampton, in order to go out of the realm, he would at last, by the intercession of the queen, get him recalled. And if it should happen, that he the said abp. should go out of the realm, he should without fail return into England, before Easter next following; nor should in any kind lose his archbishopric: and this he faithfully promised, swearing upon the cross of the late martyr st. Thomas, abp. of Canterbury, by him the said king corporally touched: all which promises notwithstanding, the said king forced the said abp. to depart the realm; and forthwith transmitted special letters to the apostolical see, to have him translated. And so, and by other frauds, and deceitful tricks of the said king, the said abp. being a well-meaning believing man, was subtilly circumvented."

After the recital of the foregoing Articles, the Record proceeds thus; "And because it seemed to all the estates of the realm, being asked their judgments thereupon, as well severally as jointly; that these causes of crimes and defaults were sufficient and notorious to depose the said king; considering also his own confession of his insufficiency, and other things contained in his said renunciation and cession, openly delivered; all the said states did unanimously consent, that *ex abundanti*, they should proceed unto a deposition of the said king; for the greater security and tranquillity of the people, and benefit of the kingdom. Whereupon the said states and commons unanimously constituted, and publicly deputed certain commissioners, viz. the bp. of st. Asaph, the abbot of Glastonbury, the earl of Gloucester, the lord Berkeley, sir Tho. Erpyngham, and sir Tho. Grey, knights, and sir Wm. Thirnyng, one of the justices, to pass such sentence of deposition; and to depose the said king Richard, from all kingly dignity, majesty, and honour, on the behalf and in the name, and by the authority of all the said states, as in like cases, from the antient custom of the said kingdom had been observed. And forthwith the said commissioners taking upon themselves the burthen of the said commission, and sitting on a tribunal before the said royal chair of state, having first had some debate of the matter, did on the behalf and in the name, and by the authority aforesaid, pass the said Sentence of Deposition, being reduced into writing; and caused such their sentence to be read and recited by the said bp. of st. Asaph, their colleague, by the will and command of the rest of the said commissioners: in these words:—

*Sentence of Deposition passed upon Richard.*] "In the name of God, amen. We John bp. of st. Asaph, John Abbot of Glastonbury, Thos. earl of Gloucester, Thos. lord Berkeley, Thos. de Erpyngham, and Thos. Grey, knights, and Wm. Thirnyng, justice, commissioners specially deputed to the matters under-written, by the peers and lords spiritual and temporal of the kingdom of England, and the commons of the said kingdom, representing all the estates of the said realm, sitting in tribunal; and having considered the multiplied perjuries, cruelty, and very many other crimes of the said Richard, touching his govt. committed and perpetrated in his kingdoms and dominions aforesaid, during the time of his governance; all of them before the said states, openly and publicly propounded, exhibited, and recited; which have been and are so public, notorious, manifest, and scandalous, that they could not nor can be concealed with denial or excuse. And considering likewise the confession of the said Rd. acknowledging and reputing, and truly, and of his own certain knowledge, judging himself to have been and to be utterly insufficient and unmeet for the rule and govt. of the said kingdoms and dominions, and their appurtenances, and for such his notorious demerits worthy to be deposed; as by him the said Rd. was before declared, and by his will and command, published before the said states, and made known and exposed to them in the vulgar tongue; having already had diligent deliberation upon these things and all others, transacted in this affair before the said states and us, we do, on the behalf, and in the name, and by the authority to us in this matter committed, *ex abundanti*, and for caution, pronounce, decree, and declare him the said Rd. to have been, and to be unfit, unable, and ut-

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terly insufficient for, and unworthy of the rule and govt. of the said kingdoms, and the dominion, and rights, and appurtenances of the same; and for and by reason of the premises, to be deservedly deposed, of and from all royal dignity and honour, if any thing of such dignity and honour were yet remaining in him. And with the same caution we do depose him by this our definitive sentence in writing, expressly forbidding all and singular the lords, abps. bps. and prelates, dukes, marquisses, earls, barons, knights, vassals, and valvasors, and other subjects, and liege people of the said kingdoms and dominion, and other places to the said kingdoms and dominion belonging, that henceforth none of them shall any way obey or regard the said Richard, as king or lord of the said kingdom and dominion.

"Furthermore, the said states willing that nothing should be wanting which might be of value, or ought to be required touching the premises, being severally interrogated thereupon, did constitute the same persons that were before nominated commissioners, to be their procurators, jointly and severally to resign and give back to the said king Rd. the homage and fealty to him before made, and to intimate to him, if it should be requisite, all the premises, touching such his deposition and renunciation. —And then presently, as soon as it appeared by the premises, and the occasion of them, that the crown of England, with its appurtenances was vacant; the aforesaid Henry duke of Lancaster, rising up from his place, and standing so erected as he might conveniently be seen by the people, and humbly fortifying himself with the sign of the cross on his forehead, and on his breast, having also first called upon the name of Christ, did claim the said kingdom, so vacant as aforesaid, with its crown and all its members and appurtenances; in this form of words in his mother tongue:

"In the name of Fader, Son, and Holy Ghost, I Henry of Lancaster, chalenge this rewme of Ynglonde, and the croun with all the members, and the appurtenances, als I that am descendit, be right line of the blode, comyng fro the gude lord king Henry therde, and thorghe that right that God of his grace hath sent mee, with helpe of my kyn, and of my frendes to recover it; the which rewme was in poynt to be ondone for defaut of governance, and undoyng of the gude laws."

"After which claim and challenge, as well the lords spiritual as temporal, and all the states there present, being severally and jointly interrogated, what they thought of that claim; the said states with the whole people, without any difficulty or delay, did unanimously consent, that the said duke should reign over them. And forthwith, as the said king shewed to the states of the kingdom the signet of king Richard, delivered to him as a token of his will, that he should succeed him as aforesaid; the said abp. taking the said king Henry by the right hand, led him to the royal chair of state: and after the said king kneeling down before it, had prayed a little while, the said abp. of Canterbury, assisted by the abp. of York, did place the said king, and cause him to sit in the said royal seat; all the people wonderfully shouting for joy. And by and by the said abp. of Canterbury, having with much ado procured silence from the over-joyed multitude, made a short discourse, or oration in these words:—

*The Abp. of Canterbury's Speech.*] "Vir dominabitur populo; A man shall reign over my people, 1 Sam. ix. 17.—These are the words of the King of Kings, speaking to Samuel, and teaching him how a person should be qualified to rule, since the people desired to have a king given. And not unfitly may they be said of our lord the king, whom we behold this day; and if we but intimately consider these words, they afford us matter of great consolation; for God does not threaten us, as he did formerly his people by Isaiah, saying, Isa. iii. 'I will make children to rule over them.' But according to his compassion, who in his wrath remembereth mercy, he hath visited his people, and now children no more, as heretofore, shall lord it over them; for the Lord saith to them, "a man shall rule." Of the late rulers of this kingdom or any of them, one might have fitly said that of the apostle, Cor. xiii. 'I spake as a child, I understood as a child, I thought as a child.' The apostle repeats it thrice, 'As a child I spake, I understood and thought.' As to speech, tis certain that a child is unconstant in speaking, he easily speaks true, and as easily false, is ready in words to promise, but what he promises he presently forgets. Now these are things very inconvenient and dangerous in a king; nor is it possible that any realm shall stand long in happiness where these conditions bear sway. But from such mischiefs a kingdom is freed, whose sceptre is swayed by a man, for it belongs to a man to set a watch before his tongue; and such is our present happiness, over whom not a child, but a man is set, and such an one, as I hope we may say of him, that in Eccles. ix. 'Blessed is the man that hath not erred with his tongue.' Then saith the apostle, 'I understood as a child:' now a child relishes nothing but flatteries and pleasing things, and understands only baubles and trifles, and loves not one that argues according to truth, yea indeed hates him beyond all measure. But heretofore amongst us truth was trampled under foot, so that none durst speak it; and therefore tis plain and apparent enough, that he, that then reigned understood as a child.' For a man is not addicted to such things, but understands wisdom, so that by the grace of God it may be said of him, as it is written Eccles. ix. 'Blessed is the man that abideth in wisdom.' For as a child is delighted in vanity, so a man has regard to truth and wisdom. Truth therefore shall enter and vanity depart, which has done so much mischief in our nation; for now a man shall rule, who seeks after truth, and not vanity or flattery.

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Thirdly, it is said, I thought as a child, for a child thinks and studies only how to have his humour, and do things according to his own will, and not according to reason: therefore when a child reigns, there only self-will reigns, and reason is banished, and constancy is put to flight, and great danger ensues; from which danger we are delivered, for a man shall rule over us; to wit, one that speaks not like a child; but thus as one that has the perfection of reason.—'I come not to do my own will, but the will of him that sent me;' to wit, of God: and therefore of such a man we will say not only that he will abide in wisdom, but also that as a man, not a child, he will meditate on the circumspection of God; that is, he will every way diligently observe that God's will, not his own, be done; and so in the stead of a child wantoning in foolish stubborn humours, a man shall reign, and such a man that it shall be said of him—a king shall reign in wisdom, and he shall execute judgment, and do justice in the earth."

*Henry's Declaration of Thanks.*] Which harangue being ended, the said lord king Henry, to appease the minds of his subjects, did then and there utter these words:

"Sirs, I thank God and zowe spiritual and temporal, and all the states of the lond, and do zowe to wyte, it es noght my will that no man thynke that be way of conquest I wold disherit any man of his heritage, franches, or other ryghts that hym oght to have, no put hym out of that that he has, and has had by the gude laws and customs of the rewme: except those persons that has been agan the gude purpose and the commune profit of the rewme."

And forthwith considering, that by the former vacancy of the royal throne, by the Cession and Deposition aforesaid, all power of justices, sheriffs, and other officers, throughout the kingdom was ceased: therefore, to the end that there might be no failure nor delay in the administration of justice, to the grievance of the people, he caused principal officers and justices to be made and sworn to him with the usual oaths. And it was immediately proclaimed by the king's command, that on Monday next, after the said feast of st. Michael, a parl. should be held. And that on the Monday following, should be the coronation of the said king at Westminster, and that all those that could claim any service in the said coronation should come to the White-hall of the palace, before the steward, constable, and marshal of England, on Saturday next, before the day of the said parl. to make their just demands in that behalf, and receive right therein. But as for the shortening the day assigned to the parl. there was a Protestation made by the king, "That it was not his intent that thereby any prejudice should be brought upon the states of his kingdom; nor that the same for the future should be drawn into example; but that such abbreviation of time was only made for the benefit and profit of the kingdom, and especially to save the labour and expences of several of his people, and that the grievances of the people might be the sooner remedied.' After which the king arising from his royal throne, and beholding the people with a cheerful and benign countenance, retired himself from thence, all the people rejoicing. And the same day, in the Whitehall aforesaid, made a solemn feast to the nobles and gentry, there in a vast multitude assembled.

*Sir William Thirnyng's Account of the Conversation with Richard in the Tower.*] And afterwards, viz. on Wednesday next following, the before-named Procurators so deputed as aforesaid, did, according as they were commanded, repair into the presence of the said late king Richard, being within the tower aforesaid; and the said sir Wm. Thirnyng the justice, for himself and his companions and fellow procurators, in the name of all the states and people aforesaid, did notify and fully declare unto the said Richard, their admission of his said Renunciation, and the manner, cause, and form of such sentence of Deposition, and presently did resign and give back to the said late king Richard, the homage and fealty formerly to him made as aforesaid. With these words:—

"The words which Wm. Thirnyng spake to monsire Richard, late king of England, at the Tower of London, in his chamber, on Wednesday next after the feast of st. Michael the Archangel, were as follow:

"Sire, it is wele know to zou, that ther was a parlement somon'd of all the states of the reaume for to be at Westmystre, and to begin on the Tuesday in the morn of the fest of st. Michel the Archangel, that was zesterday; by cause of the which summons all the states of this lond were there gadyr'd, the which states hole made thes same persones that ben comen here to zowe now, her procurators, and gaven hem full autorite and power, and charged hem for to say the words that we shall say to zowe in her name, and on their behalve; that is to wytten, the bishop of Seint Assa for ersbishoppes and bishoppes, the abbot of Glastenbury for abbots and priours, and all other men of holy chirche, seculers and rewelers, the earle of Gloucestre for dukes and erls, the lord of Berkeley for barons and banerettes, sir Thomas Irpyngham, chamberleyn, for all the bachilers and commons of this lond be south; sir Thomas Grey for all the bachilers and commons by north, and my felawe Johan Markham and me for to come with hem for all thes states. And so, sire, these words, and the doing that we shall say to zowe, is not onlych our wordes but the doyngs of all the states of this lond, and our charge in her name.—And he answered and said, that he wyste wele that he wold noght say but as we were charged.—Sire, ze remembre zowe wele that on Moneday in the fest of seint Michel the archaungel, ryght here in this chamber, and in what presence ze renounced and cessed of the state of kynge and of lordeship, and of all the dignite and wyrship that longed thereto,

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and assoiled all zour lieges of her ligeance and obeisance that longed to zowe uppe the fourme that is contened in the same renunciation and cession, which ze redde zour self by zour mouth, and affermed it by zour othe, and by zour owne writing. Upon which ze made and ordeined your procuratours the ersbishop of Zork and the bishop of Hereford for to notifie and declare in zour name thes renunciation and cession at Westmynstre to all the states, and all the people that was there gadyr'd, bycause of the summons aforesaid, the which thus don yesterday by thes lords zour procuratours, and wele herde and understouden, thes renunciation and cession were plenelich and frelich accepted, and fullich agreed by all the states and people foresaid. And over this, sire, at the instance of all thes states and people, there ware certain articles of defautes in zour governance redde there, and tho wele herd and pleinelich understouden to all the states foresaid, hem thoght hem so trewe, and so notorie and knowen, that by tho causes, and by no other, as thei sayd, and havyng consideration to zour own wordes in zour own renunciation and cession, that ze were not worthy, no sufficient ne able for to governe, for zour owne demerites, as it is more pleinelich contened therein; hem thoght that was resonable and cause for to depose zowe, and her commissaries that they made and ordein'd, os it is of record, ther declared and decreed and adjudged zow for to be deposed, and pryved zowe of the astate of king, and of the lordeship contened in the renunciation and cession forsayd, and of all the dignite and wyrshippe, and of all the administration that longed thereto. And we procurators to all thes states and people forsayd os we be charged by hem, and by her autorite gyffen us, and in her name zelde zow uppe for all the states and people forsayd, homage, leige, and feaute, and all leigeance, and all other bondes, charges, and services that long thereto, and that non of all thes states and people fro thys tyme forward ne bere zowe feyth, ne do zowe obeisance os to thar king.—And he answered and seyd, that he loked not ther after, but he seyde, that after all this he hoped that is cosyn wolde be gude lord to hym."

*Richard's Speech to the Committee, &c.*] So far the Record. Sir John Hayward tells us, that when the committee appointed to receive Richard's resignation assembled at the Tower for that purpose, the day before the parl. was to begin, the unhappy monarch was brought forth, apparelled in his royal robe, the diadem on his head, and the sceptre in his hand; and was placed amongst them in a chair of state. He adds, that after a little pause and expectation, the king arose from his seat, and spake to the assembly these words, or the very like in effect:

"I assure myself, that some at this present, and many hereafter, will account my case lamentable; either that I have deserved this dejection, if it be just; or if it be wrongful, that I could not avoid it. Indeed I do confess, that many times I have shewed myself both less provident and less painful for the benefit of the commonwealth, than I should, or might, or intended to do hereafter; and have in many actions more respected the satisfying of my own particular humour, than either justice to some private persons, or the common good of all; yet I did not at any time either omit duty or commit grievance, upon natural dulness or set malice; but partly by abuse of corrupt counsellors, partly by error of my youthful judgment. And now the remembrance of these oversights is so unpleasant to no man as to myself; and the rather because I have no means left, either to recompence the injuries which I have done, or to testify to the world my reformed affections, which experience and stayedness of years had already corrected, and would daily have framed to more perfection. But whether all the imputations wherewith I am charged be true, either in substance, or in such quality as they are laid; or whether, being true, they be so heinous as to enforce these extremities; or whether any other prince, especially in the heat of youth, and in the space of 22 years, the time of my unfortunate reign, doth not sometimes, either for advantage, or upon displeasure, in as deep manner grieve some particular subject, I will not now examine: it helpeth not to use defence, neither booteth it to make complaint; there is no place left for the one, nor pity for the other: and therefore I refer it to the judgment of God, and your less distempered considerations. I accuse no man, I blame no fortune, I complain of nothing; I have no pleasure in such vain and needless comforts; and if I listed to have stood upon terms, I know I have great favourers abroad; and some friends, I hope, at home, who would have been ready, yea forward on my behalf, to set up a bloody and doubtful war; but I esteem not my dignity at so high a price, as the hazard of so great valour, the spilling of so much English blood, and the spoil and waste of so flourishing a realm, as thereby might have been occasioned. Therefore, that the commonwealth may rather rise by my fall, than I stand by the ruin thereof, I willingly yield to your desires; and am here come to dispossess myself of all public authority and title, and to make it free and lawful for you to create for your king, Henry duke of Lancaster, my cousin german, whom I know to be as worthy to take that place, as I see you willing to give it to him."

*A Speaker chosen.*] The next day the parl. met again, when the Commons presented to the king sir John Cheney, for their Speaker whom the king accepted, and he made the usual protestation, which was also allowed. But the day following the said sir John, with the commons, came again before the king, and declared, that by reason of a sudden disorder he was unable to serve, and that they had chose sir John Dorewood in his place; beseeching the king to allow the said sir John

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Darewood to be speaker for the commons. Which said knight, having made the usual protestation, was allowed as before.—Then the commons gave to the king for 3 years the subsidy on wools, skins, and wool-fells; that is 50s. on every sack from denizens, and 4 pounds from aliens; also one 10th and one 15th.—The next thing this parl. went upon was to pass an act of indemnity to screen those who, during the late troubles, had taken up arms in favour of the king, then duke of Lancaster; likewise to pass an act for the repealing the whole proceedings of the parl. at Shrewsbury, 21 Rd. II. and to confirm that parl. which was held the 11th of the said king, except the effect of the pardon granted by the said statute of the 21 Rd. II. which they ordained should stand, notwithstanding the rest of it was repealed. Also it was enacted, that nothing, for the future, should be esteemed or adjudged to be treason, but what was ordained to be so by the 25th of Edw. III. and that all blank charters, whatsoever, which the city of London, and 17 counties besides, had been forced to seal and give to King Rd. should be utterly void.

The abp. of Canterbury moved the house for their consent to address the king, that he would please to create Henry, his eldest son, prince of Wales, duke of Cornwall and earl of Chester. Upon which the king, sitting in his royal seat, in full parl. put a coronet on the head of the said Henry, his eldest son, a ring of gold on his finger, and gave him a golden rod in his hand, and kissed him; also by a charter then given him, he was created prince of Wales, &c. His uncle, the duke of York, put the robes on the young prince, and afterwards brought him to the seat assigned, for that principality, in parl. It was also then enacted by all the estates, that the said prince should succeed his father in the realm of England; and they all promised to accept and obey him accordingly.

*Motion as to the disposal of the late King's person.*] The next day, the abp. of Canterbury moved, in the upper house, that the lords should in no wise disclose any thing that should then be put to them; which being promised by all, the earl of Northumberland put this important question to the house, 'What they would advise was fit to be done with Rd. the late king, in order to his keeping in safe custody; for the king would have his life saved?' To which all the lords, whose names are here under-written, being severally examined, answered, "That it seemed adviseable to them, that he should be put under a safe and secret guard, and in such a place where no concourse of people might resort to him; and that he be guarded by trusty and sufficient persons, and that no person who had been familiar with him, should be about his person, and that it should be done in the most secret manner that can be devised."

*The names of the Lords, who being asked, assented to the Question, are these following:*

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|---|---|
| Abp. of Canterbury | Archbishop of York |
| Bishop of London | Lord Ross |
| Bishop of Ely | Lord Grey of Ruthin |
| Bishop of Lincoln | Lord Charleton |
| Bishop of Norwich | Lord Bardolfe |
| Bishop of Rochester | Lord Willoughby |
| Bishop of Salisbury | Lord Farnival |
| Bishop of Exeter | Lord Ferrers |
| Bishop of Chichester | Lord Beaumont |
| Bishop of St. Asaph | Lord Berkeley |
| Bishop of Chester | Lord Fitz-Walters |
| Bishop of St. David's | Lord Manley |
| Bishop of Llandaff. | Lord Scales |
| Bishop of Durham | Lord Morley |
| Abbot of Westminster | Lord Burnel |
| Abbot of St. Albans | Lord Lovel |
| Abbot of St. Austin | Lord Camois |
| Abbot of Bury | Lord Seymor |
| Abbot of St. Mary's, York | Lord Cromwel |
| | Lord Cobham |
| Abbot of Gloucester | Sir Henry Piercy |
| Abbot of Battel | Sir Robert Scroop |
| The Prince | Lord Fitz-Hugh |
| Duke of York | Lord de Bergavenney |
| Earl of Arundel | Lord Lumley |
| Earl of Warwick | Baron of Greystock |
| Earl of Stafford | Baron of Hilton |
| E. of Northumberland | Sir Thos. Erpingham, chamberlain |
| Earl of Suffolk | |
| Earl of Worcester | Sir Matthew Gowin |

*Bp. of Carlisle's Speech against it.*] It is observable, that the bp. of Carlisle (*a*) is not in this list, and, indeed there is great reason for it; he being the only man, either in the prelacy or laity, that had the courage to oppose this usurpation at that time. Sir John Hayward has given us a speech made by this bp. on the occasion, when the last question was put in the house of Lords. We shall not contest the genuineness of it; so much is certain, that this honest man suffered greatly for his loyalty to the deposed prince; being deprived of his dignity, put under a long imprisonment, and, had it not been for his order which was then held too sacred, must have died the death of a traitor. If it be objected, that it was now too late to make speeches, when the new king was actually crowned, the aforesaid author has in some measure accounted for that, in remarking, "That this prelate was a man both learned and wise, and always used both liberty and constancy in a good cause; that in his secret judgment he never gave allowance to these proceedings, yet he dissembled his dislike until he might, to some purpose, declare it; therefore now, adds he, being in a place to be heard of all, and by order of

(*a*) The name of this bp. of Carlisle was Thos. Merks, alias, of Newmarket, alias Sumestre. He had been consecrated An. 1397, was deprived in 1399, but lived several years after. Walsingham says, he was made by the pope titular bp. of Samos. Sir W. Raleigh writes, that he was the only honest man in this parl. who scorned his life and fortune, in respect to his sovereign's right and his own allegiance.



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the house to be interrupted by none, he rose up with a bold and resolute spirit, and uttered his mind as followeth:—

"This question, right hon. lords, concerneth a matter of great consequence and weight; the determining whereof will assuredly procure, either safe quiet, or dangerous disturbance, both to our particular consciences, and also to the common state. Therefore, before you resolve upon it, I pray you call to your consideration these two things; 1st. whether king Richard be sufficiently deposed or no; 2dly, whether king Henry be with good judgment or justice chosen in his place. For the 1st. point we are first to examine, whether a king, being lawfully and fully instituted by any just title, may upon imputation either of negligence, or of tyranny, be deposed by his subjects: 2ndly, what king Rd. hath omitted in the one, or committed in the other, for which he should deserve so heavy judgment. I will not speak what may be done in a popular state, or in a consular; in which although one beareth the name and honour of a prince, yet he hath not supreme power of majesty; but in the one, the people have the highest empire; in the other, the nobility and chief men of estate; in neither, the prince. Of the first sort was the commonwealth of the Lacedemonians, who after the form of govt. which Lycurgus framed, oftentimes fined, oftentimes fettered their kings, and sometimes condemned them to death; such were also in Cæsar's time, the petty kings of every city in France, who were many times arraigned upon life and death, and, as Ambiorix, prince of the Leodienses, confessed, had no greater power over the people, than the people had over them. Of the 2d condition were the Roman emperors at the first; of whom some, namely, Nero and Maximianus were openly condemned; others were suddenly surprized by judgment, and authority of the senate; and such are now the emperors of Germany, whom the other princes, by their aristocratical power, do not only restrain, but sometimes also remove from their imperial state; such are also the kings of Denmark and Swedeland, who are many times by the nobility dejected, either into prison, or into exile; such likewise are the dukes of Venice, and of some other free states in Italy; and the chiefest cause for which Lewis earl of Flanders was lately expelled from his place, was for drawing to himself cognizance in matters of life and death, which high power never pertained to his dignity. In these and such like governments, the prince hath not regal rights, but is himself subject to that power which is greater than his; whether it be in the nobility or the common people. But if the sovereign majesty be in the prince, as it was in the 3 first empires, and in the kingdom of Judea, and Israel; and is now in the kingdoms of England, France, Spain, Scotland, Muscovy, Turkey, Tartary, Persia, Ethiopia, and almost all the kingdoms of Asia and Africa; although for his vices he be unprofitable to the subject, yea hurtful, yea intolerable; yet can they lawfully neither harm his person, nor hazard his power, whether by judgment, or else by force. For neither one, nor all magistrates, have any authority over the prince, from whom all authority is derived, and whose only presence doth silence and suspend all inferior jurisdiction and power. As for force, what subject can attempt, or assist, or counsel, or conceal violence against his prince, and not incur the high and heinous crime of treason. It is a common saying, 'Thought is free;' free indeed from punishment of secular laws, except by word or deed it break forth into action; yet the secret thoughts against the sacred maj. of a prince, without attempt, without endeavour, have been adjudged worthy of death; and some who in auricular confession, have discovered their treacherous devises against the person of their prince, have afterwards been executed for the same. All laws do exempt a madman from punishment, because their actions are not governed by their will and purpose; and the will of man being set aside, all his doings are indifferent, neither can the body offend without a corrupt or erroneous mind: yet if a madman draw his sword upon his king, it hath been adjudged to deserve death. And least any man should surmise that princes, for the maintenance of their own safety and sovereignty, are the only authors of these judgments, let us a little consider the patterns and precepts of holy scripture. Nebuchadnezzar, king of Assyria, wasted all Palestine with fire and sword; besieged Jerusalem a long time; and at the last took it; slew the king; burnt the temple; took away the holy vessels and treasure; the rest he permitted to the cruelty and spoil of his unmerciful soldiers, who defiled all places with rape and slaughter, and ruinated to the ground that flourishing city: after the glut of this bloody butchery, the people that remained he led captive into Chaldea; there he erected his golden image, and commanded that they which refused to worship it, should be cast into a fiery furnace. What cruelty, what injustice, what impiety is comparable to this? and yet God calleth Nebuchadnezzar his servant, and promiseth hire and wages for his vice: and the prophets Jeremiah and Baruch did write to the Jews to pray for the life of him, and of Baltazar his son, that their days might be upon earth as the days of heaven: and Ezekiel with bitter terms abhorreth the disloyalty of Zedechiah, because he revolted from Nebuchadnezzar, whose homager and tributary he was. What shall we say of Saul? Did he not put all the priests to execution, because one of them did relieve holy and harmless David? Did he not violently persecute that his most faithful servant and dutiful son-in-law, during which pursuit, he fell twice into the power of David; who did not only spare, but also protect the king; reproved the pretorian soldiers for their negligent watch; and was touched in heart for cutting away the lap of

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his garment; and afterwards caused the messenger to be slain, who upon request, and for pity, had lent his hand (as he said) to help forward the voluntary death of that sacred king? As for the contrary examples, as that of Jehu who slew Jehoram and Ahaziah, kings of Israel and Judah; they were done by express oracle and revelation from God, and are no more set down for our imitation than the robbing of the Egyptians, or any other particular and priviledged commandment; but in the general precept, which all men must ordinarily follow, not only our actions, but our speeches also, and our very thoughts, are strictly charged with duty and obedience unto princes, whether they be good or evil. The law of God ordaineth, 'that he which doth presumptuously against the ruler of the people shall die;' and the prophet David forbiddeth to touch the lord's anointed; 'thou shalt not rail upon the judges, neither speak evil against the ruler of the people.' And the apostles do demand further, that even our thoughts and souls be obedient to higher powers; and lest any should imagine that they meant of good princes only, they speak generally of all; and further, to take away all doubt, they make express mention of the evil. For the power and authority of wicked princes is the ordinance of God; and therefore Christ told Pilate, that the power which he had was given him from above. For God stirred up the spirit even of wicked princes to do his will; and, as Jehosaphat said to his rulers, they execute not the judgment of man, but of the Lord: in regard hereof, David calleth them gods, because they have *their* rule and authority immediately from God; which, if they abuse, they are not to be adjudged by their subjects, for no power within their dominion is superior to theirs; but God reserveth them to the sorest trial; 'horribly and suddenly,' saith the wise man, 'will the Lord appear unto them, and a hard judgment shall they have.' The law of God commandeth, that the child shall be put to death for any contumely done unto the parents; but what if the father be a robber? If a murderer? If for all excess of villanies, odious and execrable both to God and man? Surely he deserveth the highest degree of punishments, and yet must not the son lift up his hand against him, for no offence is so great as to be punished by parricide: but our country is dearer unto us than our parents; and the prince is *pater patriæ*, the father of our country; and therefore more sacred and dear unto us than our parents by nature, and must not be violated, how imperious, how inpious soever he be: doth he command or demand our persons or our purses, we must not shun for the one, nor shrink for the other; for, as Nehemiah saith, 'kings hath dominion over the bodies and over the cattle of their subjects at their pleasure.' Doth he enjoin those actions which are contrary to the laws of God? We must neither wholly obey nor violently resist, but with a constant courage submit ourselves to all manner of punishment, and shew our subjection by enduring, and not performing; yea, the church hath declared it to be an heresy, to hold that a prince may be slain or deposed by his subjects, for any disorder or default, either in life or else in government. There will be faults so long as there are men; and as we endure with patience a barren year if it happen, and unseasonable weather, and such other defects of nature, so must we tolerate the imperfections of rulers; and quietly expect, either a reformation, or else a change.—But alas, good king Rd. why such cruelty? What such impiety hath he ever committed? Examine rightly those imputations which are laid against him, without any false circumstance of aggravation, and you shall find nothing objected, either of any truth, or of great moment. It may be, that many errors and oversights have escaped him, yet none so grievous to be termed tyranny; as proceeding rather from unexperienced ignorance, or corrupt counsel, than from any natural or wilful malice. Oh, how shall the world be pestered with tyrants, if subjects may rebel upon every pretence of tyranny? How many good princes shall daily be suppressed by those by whom they ought to be supported? If they levy a subsidy, or any other taxation, it shall be claimed oppression: if they put any to death for traitorous attempts against their persons, it shall be exclaimed cruelty: if they do any thing against the lust and liking of the people, it shall be proclaimed tyranny.—But let it be, that without authority in us, or desert in him, king Rd. must be deposed: yet what right had the duke of Lancaster to the crown? Or what reason have we without his right to give it to him. If he make title as heir unto king Rd. then must he stay until king Rd.'s death; for no man can succeed as heir to one that liveth. But it is well known to all men, who are not either wilfully blind or grossly ignorant, that there are some now alive, lineally descended from Lionel duke of Clarence, whose offspring was by judgment of the high court of parl. holden the 9th year of king Rd. declared next successor to the crown, in case king Rd. should die without issue. Concerning the title from Edmund Crouchback, I will pass it over; seeing the authors thereof are become ashamed of so absurd abuse, both of their own knowledge and our credulity; and therefore all the claim is now made by right of conquest, by the cession and grant of king Rd. and by the general consent of all the people. It is a bad wool that will take no colour; but what conquest can a subject pretend against his sovereign, where the war is insurrection, and the victory high and heinous treason? As for the Resignation which Rd. made, being a pent prisoner for the same cause, it is an act extorted by force, and therefore of no validity to bind him; and seeing, that by the laws of this land the king alone cannot alienate the ancient jewels and ornaments pertaining to the crown, surely he cannot give away the

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crown itself, and therewithal the kingdom.—Neither have we any custom, that the people at pleasure should elect their king; but they are always bound unto him, who by right of blood is right successor; much less can they confirm and make good that title, which is before by violence usurped; for nothing can then be freely done, when liberty is once restrained by fear. So did Scylla, by terror of his legions, obtain the law "Velleia" to be made, whereby he was created dictator for fourscore years; and by like impression of fear, Cæsar caused the law "Servia" to be promulged, by which he was made perpetual dictator: but both these laws were afterwards adjudged void. As for the deposing of king Edw. II. it is no more to be urged, than the poisoning of king John, or the murdering of any other good and lawful prince: we must live according to laws, and not to examples; and yet the kingdom was not then taken from the lawful successor. But if we look back to times lately past, we shall find that these titles were more strong in king Stephen, than they are in the duke of Lancaster. For king Henry I. being at large liberty, neither restrained in body, nor constrained in mind, had appointed him to succeed; as it was upon good credit certainly affirmed. The people assented to this designment; and thereupon, without fear, and without force, he was anointed king, and obtained full possession of the realm. Yet Henry, son of the earl of Anjou, having a nearer right by his mother to the crown, notwithstanding his father was a stranger, and himself born beyond the seas, raised such rough wars upon king Stephen, that there was no end of spoiling the goods, and spilling the blood of the unhappy people, besides the ruins and deformities of many cities and holds, until his lawful inheritance was to him assured. It terrifieth me to remember how many flourishing empires and kingdoms have been, by means of such contentions, either torn in pieces with intestine division, or subdued to foreign princes, under pretence of assistance and aid; and I need not repeat how this realm hath heretofore been shaken with these several mischiefs: and yet neither the examples of other countries, nor the miseries of our own, are sufficient to make us beware.—O Englishmen, worse bewitched than the foolish Galatians! Our unstaid minds and restless resolutions do nothing else but hunt after our own harms: no people have more hatred abroad, and none less quiet at home: in other countries, the sword of invasion hath been shaken against us: in our own land, the fire of insurrection hath been kindled among us: and what are these innovations, but whetstones to sharpen the one, and bellows to blow up the other.—Certainly I fear that the same will happen unto us which Æsop fableth to have been fallen unto the frogs, who being desirous to have a king, a beam was given unto them; the first fall whereof did put them in some fear, but when they saw it lie still in the stream, they insulted thereon with great contempt, and desired a king of quicker courage: then was sent unto them a stork, which stalking among them with stately steps, continually devoured them. The mildness of king Rd. hath bred in us this scorn, interpreting it to be cowardice and dulness of nature. The next heir is also rejected: I will not say that with greater courage we shall find greater cruelty; but if either of these shall hereafter be able to set up their side, and bring the matter to trial by arms, I do assuredly say, that which part soever shall carry the fortune of the field, the people both ways must go to wreck. And thus have I declared my mind concerning this question, in more words than your wisdom, yet fewer than the weight of the cause, doth require; and do boldly conclude, that we have neither power nor policy, either to depose king Rd. or to elect duke Henry in his place; that king Rd. remaineth still our sovereign prince, and therefore it is not lawful for us give judgment upon him; that the duke, whom you call king, hath more offended against the king and the realm, than the king hath done, either against him or us: for being banished the realm for 10 years by the king and his council, amongst whom his own father was chief; and sworn not to return again without special licence; he hath not only violated his oath, but with impious arms disturbed the quiet of the land, and dispossessed the king from his royal estate; and now demandeth judgment against his person, without offence proved, or defence heard. If this injury and this perjury doth nothing move us, yet let both our private and common dangers somewhat withdraw us from these violent proceedings."

This speech, says the historian, now quoted, was differently taken, as men were then differently affected, between fear, hope, and shame; yet, the major part, by far, shewed themselves in the interest of their new king Henry; and the orator was instantly attached of high treason, by the earl marshal, and sent prisoner to the abbey of saint Albans.

*Further Proceedings of this Parl.*] The commons appeared again with their Speaker, and declared to the king, that the duke of Britainy had sent word, that he was ready to do all which the king would desire him, and therefore prayed that the earldom of Richmond, being his own inheritance, might not be granted away by any letters patents, which petition was made a request from the commons.—The duke of York, the earl of Northumberland, and others of kindred to the abp. of Canterbury, prayed the king that the said abp. might have his recovery against Roger Walden, who had been made abp. of Canterbury during the others exile, for sundry wastes and spoils, done by the said Roger in the archbishopric aforesaid, which the king instantly granted, and thanked them for their motion. But the commons, upon hearing of this award, prayed the king that, since they were not made privy to the judgment aforesaid, no record might be

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made to charge or make them parties therein. To which the abp. of Canterbury, by the king's command answered, "That the commons were only petitioners, and that all judgments belong to the king and lords; unless it was in statutes, grants of subsidies or such like;" which ordinance the king willed should be from that time observed.

Sir Wm. Rickhill, one of the judges to the late king, but now a prisoner, was brought before the parl. and required to answer by what warrant he took and certified the Confession of the late duke of Gloucester, in the 21st of Rd. II. (see p. 229); and by order of the king, sir Walter Clopton, chief justice, was put to examine him. But Rickhill, answering at full, and producing sufficient authority for what he had done, and his sincere dealing therein, the lords unanimously declared that they thought he had acted justly; and upon this the chief justice adjudged the said sir Wm. acquitted thereof for ever.

*Petitions of the Commons, with the King's Answers.*] P. That the liberties of the church, the great charter, and charter of the forests, be confirmed. A. The king willeth the same. —P. That the lords spiritual, temporal, and the judges, do not from henceforth plead, in excuse, that they durst not for fear of death to speak the truth. A. The king reputeth them all to be just, and that they will not give him council to the contrary; but if they do, let complaint be made.—P. That all the king's chief officers be sworn to shun all bribery, and such as are attainted thereof to lose all they have. A. Every such officer, upon attaint, shall be punished for his misdoing; otherwise the statutes already made may suffice.—P. That no part of the crown-lands may be sold, given, or exchanged: and that there be a resumption of such as are. A. The king will be advised of this.—P. That every man may pursue his remedy for all havock and spoils, committed since the coming of the king. A. For spoils done where the king's army hath been, he will be advised; for the rest he granteth.—P. That all men dispossessed of any tenements, without process of law, may be restored, if done since the king's coming in. A. They are remitted to the common law.—P. That, in consideration of the great plague in the North, it would please the king to lie with his army in the midst of the kingdom. A. The king will be advised.—P. That the king will appoint able captains, as well in England as in Wales. A. The king meaneth no less.—The commons grant to the king, that he shall be as free and enjoy as great liberties as any of his progenitors had before him; whereupon the king, in parl. promised that he would not turn the same contrary to the laws.—P. The commons pray the reversal of the judgment given against Rd. earl of Arundel in the 21st of king Rd. and that restitution be made to Thomas his son and heir. A. The king hath shewn favour to Thomas now earl, and to others.—P. That such records, touching the inheritance of the said earl of Arundel and Surrey, late embezzled, may be sought for and restored. A. The king willeth.—P. They make the like request for restitution to be made to Tho. earl of Warwick. A. The king hath shewn favour to him also.—P. They require a repeal of the act made 21 Rd. II. with a general restitution of lands and goods, to all such as lost thereby. A. The king has been gracious in this also, and for the rest he will be advised.

*Proceedings against the Lords' Appellants.*] The commons prayed the king, that the lords, who were Appellants in the parl. held the 21st of the late king Rd may be called on to answer for their acts done at that time. The records of which were brought and read in parl. in the presence of Edw. duke of Albemarle, Tho. duke of Surrey, John duke of Exeter, John marq. of Dorset, John earl of Salisbury, and Tho. earl of Gloucester. These were all the accusers of the abp. and the rest of the lords, in the parl. of the 21st of Rd. II. that were spared from execution; except king Henry himself, then earl of Derby, who was the principal person concerned in that affair.—The duke of Albemarle was called on first, who pleaded in excuse, "That he was no contriver of the said appeal; and what he then did, was by the king's command, whom he durst not disobey. That in relation to king Henry's exile, and revocation of his patent, it was entirely against his will, and he called certain lords to witness the same: he also endeavoured to excuse himself from advising, or being any ways privy to the death of the duke of Gloucester."—The duke of Surrey prayed the king to consider the tender age, and small reputation he was in, at the time the appeal was made. Afterwards, he answered in all points, as the former duke had done; all which he offered to prove when the king should appoint.—The duke of Exeter pleaded also as above; only, in relation to the duke of Gloucester, he added, that he heard king Rd. say, that he should be slain.—The marq. of Dorset affirmed, as before, only he made no mention of the duke of Gloucester.—The earl of Salisbury said, that he was drawn into the appeal, for fear of his life; and for that he was accused by the duke of Norfolk, that he should have meant to have slain the duke of Lancaster, the king's father. Albeit, he was ready by the king's order, to have disproved the charge; but, for that he had not yet offered to acquit himself thereof, he asked pardon for the same.—The earl of Gloucester affirmed the same with the duke of Albemarle.—After these noblemen had answered the several questions, they were all ordered to withdraw, whilst the king and parl. consulted what sentence to award for them. And the king and lords did adjudge, "That the said dukes, marq. and earls, should lose their names and titles, and all the honours thereto belonging; and that they should forfeit all the lands and goods, which they, or any of them had given them at the death of the said duke of Glouces-

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ter, or at any time since; and that if they, or any of them, should espouse the quarrel, or assist the person of king Rd. lately deposed, that then the same should be treason." Which sentence or judgment, by the king's command, was pronounced by sir Wm. Thirning, lord chief justice of the king's bench.—But after all, we find that as to their lands, it was left to the king either to continue them in possession, or turn them out if he pleased. Yet Henry not only left them their estates, but also restored them to their honours.

On the 20th of Nov. the commons required, that the arrest and judgment against Wm. le Scroop, earl of Wiltshire, sir Hy. Green, and John Bussy, knights, who had been executed without any process at Bristol, might be confirmed in full parl. On which sir Rd. le Scroop petitioned the king that nothing might be done to disinherit him or his children, considering the said Wm. was his son. The commons asked sir Rd. if the judgment against his son was lawful? Who answered, that it was lawful. Upon which the king said, that he would have all the lands of the persons aforesaid forfeited to him by way of conquest, as of those who had been the chief actors in the parl. of the 21st of Rd. II.

*Inquiry into the Murder of the Duke of Gloucester.*] The last thing which we shall mention in the proceedings of this parl. is some farther enquiry made there in relation to the duke of Gloucester; which though not all mentioned in Cotton's Abridgment, our older Chroniclers, particularly Hollingshead, are very exact in describing. Sir John Baggot, then a prisoner in the tower, was brought to the bar of the house, and there examined on the affair of that murder; who there declared, in a bill, then delivered in, "That it was by the advice and instigation of the duke of Albemarle, that the lords were apprehended by the king, and that the duke of Gloucester was inhumanly murdered at Calais. That the duke of Norfolk did keep the duke of Gloucester alive 3 weeks against the king's will; but, for fear of the king's displeasure, the said duke and himself, with several of the king's servants, went over to Calais, and saw him put to death." After this declaration was openly read, the duke of Albemarle rose up and said, "That he utterly denied the charge to be true against him, and offered to justify his innocence by combat, in such manner as should be thought requisite." But Baggot, not being at liberty to accept the challenge, the lord Fitz-Walter, and 20 other lords, offered to make it good by their bodies, that he was the cause of the duke of Gloucester's death. The duke of Surrey stood up against the lord Fitz-Walter, and having affirmed that what the duke of Albemarle had done against the duke of Gloucester, was by constraint, he offered to vindicate him by fight; and all their hoods, which they flung down as pledges of their intentions, were delivered to the constable and marshal to be kept. But all these differences the king thought proper to accommodate, in a way more politic and more consistent with the exigency of the times, than suffering them to go on to a martial trial.—Baggot, in one of his examinations before the house, mentioned one John Hall, then a prisoner in Newgate, who could say much more than he, relating to the death of the duke of Gloucester. Which Hall, being sent for and examined, confessed the whole matter; whose examination, confession, and sentence passed against him, being on the rolls, we shall give from sir Robert Cotton's own account of it.

"John Hall, a servant of the duke of Norfolk, being examined by sir Walter Clopton, chief justice, in full parl. confessed upon his oath, that in the month of Sept. 21 Rd. II. the duke of Norfolk charged the said John, among others, to murder the duke of Gloucester, there being present one John Colfox, an esq. of the said duke of Norfolk; and that they two then being at Calais, went together to Our Ladies church, where they found Wm. Hempsley, esq. as aforesaid, —— Bradshaw, esq. as aforesaid, Wm. Servadlet, of the chamber of the late king Rd. Francis Vadlett, of the chamber of the duke of Albemarle; Wm. Rogers, Wm. Dennice, and —— Cockle, servants to the said duke of Norfolk; all whom were sworn upon the body of Christ, before one Sir Wm. Chaplain, of st. George's, in the church of our lady, that they should not disclose the said fact or murder. That after this oath made, they altogether went with the duke of Norfolk, towards the house called the Princes Inn, and when they were come, the said duke of Norfolk caused the persons aforesaid to enter into a lodging within the same house, and so departed. After which John Lovetofte, with sundry other esqrs. brought the duke of Gloucester, and delivered him to the said Searl and Francis, in an inner parlour, and said, 'There is Searl and Francis;' whereupon the duke of Gloucester said, 'Now I see I shall do well,' and so asked Searl how the king did? who said 'well;' and sent to him commendations, and so the said John Lovetofte departed. Whereupon the said Searl and Francis, took the said duke of Gloucester into an upper chamber, saying, 'That they would speak with him;' unto whom when they were come there, they said, 'That the king's will was, that he should be slain;' the duke answered thereto, 'If it be so it is welcome;' that Searl and Francis willed the duke to take a chaplain, whom the duke there took, and was confessed. After which confession they caused the duke to lye upon a bed, upon whom so lying, the said Searl and Francis threw a feather-bed, the sides whereof the said Wm. Rogers, Dennice, and Cockle of the chamber, held; and Searl and Francis lay on the mouth of the said duke until he was dead: Colfox, Hempsley, and Bradshaw, sat that night by the duke on their knees, weeping, and praying for the soul of the said duke; and Hall, this examinant, kept the door

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until the duke was slain. After the death of which duke, the duke of Norfolk came in, and seeing him dead, said, 'It were a great matter to have the said duke living again.' By whose confession it seemed to the lords, that he the said John Hall, had deserved a grievous death; whereupon they adjudged, by the assent of the king, that the same Hall should be drawn from Tower-Hill to Tyburn, his bowels to be burned before him, his body to be hanged, headed, and quartered, and his head to be sent and set upon Calais, and his quarters at the king's pleasure; and the marshal the same day did execution accordingly."

*A Parl. called.*] Writs of summons were sent out, directed to Henry prince of Wales, &c. and dated at Westm. the 19th of Sept. 1400, for a parl. to meet at York, on the feast of All Souls, next coming. Cotton has given us no more than the names of the peers that were summoned to this parl.; it is probable that the business of it was interrupted by the insurrections, then made in the nation, in favour of king Richard.

*A Parl. called.*] After these commotions were, in some measure, quieted, another parl. was summoned to meet on the 21st of Jan. 1401, when the knights and burgesses were called into the chancery court, in Westminster-Hall, before the chancellor and the steward of the king's household, by name; upon whose appearance, the chanc. put off the parl. to the next day, by the king's authority. On the said day sir Wm. Thyrning, chief justice of the king's bench, by the king's command, declared, "That this parl. was called to the end that Holy Church, and other corporations and persons should enjoy their liberties; that all good laws should be executed, and justice truly ministered; and that nothing should be done in derogation of the common law." He then rehearsed, "What great charges the king had been at for his coronation; for suppressing the late rebellion attempted by the nobles; for his expedition against the Scots; and, lastly, for resisting the rebels in North Wales; all which adventures he had undertaken in his own proper person." He further told them, "That the king was bound to return the queen into France, with all such jewels and riches as king Richard had with her in marriage. He put them in mind of the charges for keeping of Calais, and the king's other fortresses abroad; especially for the duchy of Guienne, being annexed to the crown, for the which war was likely to ensue, because the king of France had created his eldest son duke of Guienne; and, lastly, for the wars in Scotland and Ireland. For the support of all which great charges he urged the lords and commons to consult and to consider the importance of them: he concluded with desiring the commons to choose a Speaker, and to present him the next day to the king."

*Sir A. Savage chosen Speaker.*] On the 23d of Jan. the commons presented to the king sir Arnold Savage for their Speaker, who made the accustomed protestation, for himself and the commons, which was accepted and enrolled. On the 25th, the commons by their speaker, in full parl. "gave the king most hearty thanks for his promise of maintaining the catholic faith. They desired that the king would not give an ear to any slanderous and untrue reports concerning their proceedings, but let the event shew the same." Which being promised, the speaker went on and declared to the king, "That to every good govt. 4 things appertained, viz. wisdom, prowess, manhood and riches; all which he affirmed was in the king and his nobility, as the world very well knew, and they would approve; for the hearts and good-will of subjects, which his maj. had, were the riches of a king. Therefore, for certain reasons, the commons would persuade the king not to agree to the challenges, which the French had made to him and the lords." This the king promised not to attempt without their advice, and gave them thanks for their tender good will to him.

*Petitions of the Commons.*] Jan. 31, the commons, by word of mouth prayed, that certain Petitions might be answered by the king, which he, again, desired might be put in writing, and then he promised to answer them. Feb. 21, the commons prayed the king to execute the ordinance of king Rich. II. upon the conquest of Wales, viz. that no Welchman born should bear any office in that country, &c. The king promised to send for the ordinance, and cause execution of it. They then required the king, that, according to the laws and customs of the realm, he would seize into his hands the houses and lands of all alien priories, and donatives, during the wars. To this the king required advice, and promised to do therein as the bps. and peers should instruct him. The same day, on a like motion, the king revoked all annuities granted out of the custom of wools; and at the same time they required the king to commit the charge of wool-weighing, and the inventory of king Richard's goods, which the treasurers had delivered to them, to some persons as might make due enquiry thereof, and discharge the commons of it. They also desired, "That all matters transacted in this parl. might be engrossed before the departure of the justices." It was answered, "That the clerk of parl. had orders so to do." At the same time the commons declared, "That it was not the usual custom for them to grant any subsidy before they had received answers to their petitions; and prayed the observation of that custom from thenceforth." Upon this the king required a conference with the lords: and, on the last day of the session, gave the commons this answer, "That there was never any such use known, but that they should first go through with all other business, which ordinance the king intended not to alter." After which a subsidy was granted of 1-10th, and 1-15th;

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2s. on every tun of wine, and 8d. in the pound on merchandize.

*Proceedings against several Lords for Treason, &c.*] The lords temporal, with the king's assent, adjudged Tho. Holland late earl of Kent, John Holland late earl of Huntington, John Montagu late earl of Salisbury, Tho. le Despenser and Ralph Lumley, knights, and several others, who were, for their treasons and rebellions, taken by certain of the king's subjects, and beheaded as traitors, that they should forfeit all such lands as they had in fee, Jan. 5, in the 1st of this king, or at any time after, together with all their goods and chattels. But the commons coming before the king, March the 5th, their Speaker in an oration he made to the throne, took occasion, "to liken the 3 estates of the realm to the Trinity, as consisting of king, bps. and lords, and the commons; wherein, adds he, ought to be unity; and therefore prayed the king to reconcile the earl of Rutland and the lord Fitz-walter." These lords kneeling, at the same time, and submitting themselves to the king's will, were both pardoned. The commons first, and the lords after, pray that the earl of Somerset might have the same mercy extended to him as the earl of Rutland, and be both restored to their goods, names and liberties, notwithstanding the judgment given against them, *primo Regis*; which, the king, with thanks for their motion, also granted.

An affair of the like nature with the preceding deserves also our notice. It seems that Henry le Spenser, the bp. of Norwich so much spoken of in the beginning of the last reign, had been accused by sir Tho. Erpingham, then vice-chamberlain to the king, of being a stirrer in the last insurrections, or at least a favourer of that cause. The bp. was sent for, to come before the king in parl. and on his appearance the king ordered him to be placed in his accustomed seat: then his maj. declared, "that he took the accusations of the said sir Tho. against the said bp. to be just, and to proceed from the great zeal the accuser had for him; nevertheless, considering the order of the said bp. and that he was of the king's lineage, and to oblige him to better behaviour for the future, he pardoned the said bp. all his misprisions done against his person." The whole bench of bps. stood up at this, and gave his maj. their thanks in open parl. and desired him to cause the said bp. of Norwich and sir Tho. Erpingham to shake hands and kiss each other, in token of amity.

*Act for putting Heretics to Death.*] The commons required the king to assist in pacifying the schism then in the church of Rome, which had continued a long time, if it could be done without any charge to this realm. The lords also desired the same.—The king answered, "that the bps. should consider of it." And at home, in order to suppress the Reformers, or the followers of Wickliffe's doctrine, which was still adhered to by many, a writ is mentioned in the Records of this parl. to be sent to the sheriffs of London, for the burning of Wm. Sawtre, a clerk, convicted of heresy by his clergy, and by them adjudged to be burnt. There was also a statute made in this session of parl. touching the imprisoning, or punishing with death, such as held any erroneous opinion in religion; but Cotton remarks, "that the printed statute differs greatly from the record, not only in form, but much more in matter, in order to maintain ecclesiastical tyranny." His publisher, Prynne, has this note upon it: "that this was the first statute and butcherly knife that the impeaching prelates procured or had against the poor preachers of Christ's gospel." Fox writes also, that Henry IV. who deposed Rich. II. was the first of all English kings that began the unmerciful burning of Christ's saints.

*Act against Provisions from Rome.*] However, some other laws were made in this parl. of great use and advantage to the state; viz. "that no provisions should be brought from Rome, by any religious person, to exempt them from obedience to the secular power; and that all such persons, who shall bring any such provisions into the nation, shall incur a præmunire. That no person shall carry any gold or silver coin out of the nation, without a special licence from the king; and if any one shall presume to do to the contrary, he shall forfeit all the said coin to the king. That the chirographer of the Common-Pleas, the clerk of the Crown and King's-Bench, and the marshal of the Marshalsea of the king's house, should take no greater fees than what are prescribed and limited by the statutes."

*A Subsidy granted.*] On the 10th of March, being the last day of this parl. the commons all kneeled before the king, and besought him to pardon them, if, through ignorance, they might have offended him; which the king readily granted. Then the whole assembly heard mass together, when the abp. of Canterbury read the epistle and gospel; the king did the sacrifice by promising to maintain the faith of holy church; and when they were come to say, *Ite, missa est, et Deo gratias*, the commons offered their granted subsidy; for the which the king returned them all thanks, and the chancellor dismissed them to their own home.

*A Parl. called.*] A parl. was summoned to meet at Westminster, on the 30th of Sept. 1403; which being assembled, and the knights, &c. called over, as usual in the court of Chancery, the next day the lord high chanc. in the presence of the king, declared the cause of their meeting to be, "1st. for preserving the rights and liberties of holy church, and of all corporations and persons." Then he took for his theme, *pax multa diligentibus legem*; from which he took occasion "to commend peace, and to shew the great blessings of it. He said, that peace was always with those that obeyed the laws; and, contrarily, he urged the gall and mischief of dissension and disobedience; and that there was no other way to check

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peace-breakers than by war. He declared, that by dissension and private discord, the flower of all chivalry, the stock of nobles within this realm, was in a manner lately consumed; and that the whole nation was in danger of being subverted, had not God, as a deliverer, raised up the king. He put them in mind of the king's late great victory against the Scots; he much lamented the great schism in the church, by having two popes; and told them, that the king intended to do his part towards healing the same. He then desired them to provide Ways and Means for maintaining the war against Scotland; for subjecting the enemies in Wales; for conquering Ireland, and putting a stop to their prince in that country; for defending Guienne, Calais, and the marshes thereof; and desired the commons to choose a speaker, and to present him on the morrow for approbation".

*Sir H. de Redford chosen Speaker.*] The next day the commons presented sir Henry de Redford for their Speaker, who, making the usual protestation, it was granted. This house took several days to consider of the lord chancellor's charge to them. On the 10th of Oct. the chancellor acquainted the king that the commons desired to have certain of the lords sent to them, with whom they might confer. The king granted their request, with this protestation, " that the same was done out of favour, and not of duty;" which protest was enrolled by the clerk. Then the king sent the steward of his household and his secretary to the commons, to acquaint them with it; who returned for answer to the king, that they accepted of his protestation; and accordingly 4 bps. 4 earls, and 4 barons were ordered to attend them.

On the 16th of Oct. the commons in full parl. by the mouth of their Speaker, " gave to the king their most humble thanks for his many valiant exploits; namely, for his last expedition into Scotland, and for his three several journies into Wales, since the former; wherein they took occasion to praise the valour of the prince; and forgot not to mention the noble service performed by the ld. Thomas, the king's 2nd. son, in Ireland. As for the victory in Scotland, they humbly hoped, that by good policy it might be made to turn to the advantage and ease of the commons; and because in that battle the earl of Northumberland behaved gallantly, they prayed the king to give him thanks."

*A Subsidy granted.*] On the 25th of Oct. the commons, with the assent of the bps. and the lords, granted to the king the usual subsidy on wools, wool-fells, and skins, for 3 years; also 3s. on every tun of wine, and 12d. in the pound on merchandize, besides a 10th and a 15th. This large and extensive grant put the king into such good humour, that he sent the earl of Northumberland to invite the whole body of the commons to dine with him the next day.

*A Parliament called.*] Another parl. was summoned to meet at Westminster, Jan. 14th, 1404. Being all assembled, the bp. of London, the king's brother, and then lord chanc. in the presence of the king, lords, and commons, declared the cause of the parl. for the preservation of holy church, &c. He then took for his text these words, *multitudo sapientium, &c.* and thereby learnedly argued, " that by council every realm was governed: he resembled every state to the body of a man, and applied the right hand to the church, and the left to the temporal lords, and the rest of the members to the commonalty: of all which members and estates, the king, as the head, was desirous to have their advice, and had called the said parl. on divers occasions, for that purpose. The first thing that he put them in mind of, was the utter repression of the Welsh rebellions; for remembering the malice of the duke of Orleans, and the earl of St. Paule, who had bent themselves wholly against the king and realm, as appeared by their late descent upon the Isle of Wight, where they were repulsed. To consider also the imminent danger that the marshes of Calais, Guienne, and other dominions beyond sea, were then in; to remember the wars in Ireland and Scotland, and likewise to take order touching the late rebellion under Henry Peircy, and others his adherents, at the late battle at Shrewsbury; and then desired the commons to choose, and the next day to present, their Speaker."

*Sir A. Savage chosen Speaker.*] Accordingly the next day the commons came before the king, and presented sir Arnold Savage for their Speaker; whereupon the said sir Arnold made the usual protestation for himself and the commons, which was allowed. The first things we find that the commons in this parl. went upon were these: " they desired the king to have regard to the charges for repressing the Welsh rebels, and safe keeping of the sea; to consider the great expences of his own household; and that both the king and prince might give liveries according to the statute made for that purpose. That the king would provide for the repairs of his castles and houses, and, namely, for his castle at Windsor, which were all greatly in decay; and not grant away the profits of those castles and houses, and stand to the repairs of them himself; by doing which, he must be obliged to charge his commons greatly, which might endanger the whole estate."

*The earl of Northumberland pardoned.*] On the 18th of Feb. the earl of Northumberland came into parl. before the king and lords, and there by his Petition to the king, acknowledged to have acted against his allegiance; namely, for gathering of forces and giving liveries, for which he craved pardon; and the rather, for that, on the king's letters he yielded himself, and came to the king to York, whereas he might have kept himself away. The king delivered this petition to the judges, to be by them considered; but the lords made protes-



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tation against it, and that the ordering thereof belonged to themselves. Accordingly they, as peers of parl. to whom only such judgment belonged, in considering well the statute of the 25th of Edw. III. touching treasons, and the statute of Liveries made in this king's time, adjudged the earl's crime to be no treason nor felony, but only a trespass fineable to the king. For which judgment the said earl gave great thanks to the king and lords; and at his own request he was sworn to be a true liegeman to the king, to the prince, and to the heirs of his body begotten, and to every of the king's sons, and to their issue succeeding to the crown of England, according to law. That done, the king pardoned the said earl his fine and ransom.—The abp. of Canterbury prayed the king, that forasmuch as he and the duke of York, with other bps. and lords, were suspected by many to be in the confederacy with Henry Percy son to the earl of Northumberland, that the said earl would speak the truth; on which the earl, by the king's command, on his oath, purged them all from that matter. But the same day, the levying of war by the said sir Henry Percy was adjudged treason, by the king and lords, in full parl.

*Several of the King's Officers removed upon Address of Parl.*] The commons proceeded in their first design of regulating the king's household, with whom the lords accorded; and they required that 4 persons should be removed out of the king's house, viz. the abbot of Dore, the king's confessor, with Durham and Crosbie, gentlemen of his chamber. On the 9th of Feb. the confessor, Durham and Crosbie, came into parl. before the king and lords, when his maj. took occasion to excuse those officers himself, saying, "That he knew no cause why they should be removed, but only because they were hated by the people." Yet he charged them to depart from his house according to the desire of the commons, and would have proceeded in the same manner against the abbot, had he been present. The commons prayed, also, "That such might be appointed officers of the king's household, as were known to be of virtuous life, and that the lords and themselves might be privy to the taking of them."—And a war with France being suddenly expected, the commons desired, "That the Commission for arraying and mustering of men, and watching of beacons, might be amended; and that from thenceforth there should be no other alteration in the form of it." To which the king, with the assent of the lords, and, after consultation had with the judges, consented. This Commission the reader will find much canvassed, both by king and parl. in our later civil dissentions.

*Regulations in the King's Household.*] At the request of the commons, a committee of lords were particularly appointed to make some farther regulations, who agreed on these articles:—"1st, that all foreigners, in the interest of the anti-pope, be not suffered to be about the king's person, but be banished the realm. And that other strangers who were Catholics, and particularly those of Dutchland, be appointed to remain upon such of the frontiers of the kingdom where garrisons are. Next, that all French persons, Bretons, Lombards, Italians, and Bavarians whatsoever, be removed out of the house from the king and queen; except the queen's two daughters, Maria and St. Miches; Alder and John Purian, and their wives. And that no Welchman be about the king's person." These articles were read in full parl. Feb. the 21st, and confirmed by the king, with the lords assent; and full charge was given to the chief officers of the household there named, to put them in execution.—The king's letters patents were confirmed by act of parl. by which a commission was granted, that certain revenues and customs there expressed, and amounting to 10,000l. should be yearly paid to the treasurer of his house, for the expences of the family. In which grant it appears, that the profits of the hanaper, in chancery, was then worth only 2000l. per ann.—After settling the king's household, the commons went upon restoring peace and unanimity amongst the peers and great men of the land. They returned his maj. hearty thanks for extending his favour to the earl of Northumberland; and, at their request, the king commanded the said earl and the earl of Westmoreland, in token of perfect amity, to kiss each other, in open parl. thrice, and to shake hands as often; also to promise that their friends and tenants should do the like. The earls of Northumberland and Dunbar were likewise commanded to perform the same ceremony.—The same time, at the request of the commons, the king in open parl. affirmed, that the abp. of Canterbury, the duke of York, the earl of Northumberland, and the other lords, who were suspected to be in the confederacy with sir Henry Percy, were all his true liegemen; and that neither they nor any of them should ever be impeached thereof by the king, or his heirs, at any time hereafter.

*Dutchy of Cornwall re-annexed to the Crown.*] The commons reported that Edw. III. in a parl. held in the 11th of his reign, created his eldest son duke of Cornwall, and annexed the said dutchy to the crown, with divers hereditaments, by letters patents; and by authority of the same never to be dismembered or sold away (see p. 65). They therefore pray the king to resume, seize, and unite again to the said dutchy such lands as were sold away by prince Edw. king Rd. or by himself. Which Petition was answered in effect following:—"It is agreed by the king and lords, that the prince, by the advice of his counsel, shall have his *scire facias*, or other his best means of recovery; wherein shall be allowed no protection, or praying in aid of the king, unless it be for sir John Cornwall, and Eliz. his wife, late wife to John Holland, late earl of Huntington; and for such persons to whom the king is bound by warranty; and in order to render the value,

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in such cases, the prince shall sue to the king."

*Several Annuities granted.*] At the petition of Joan, queen of England, the king granted that the said queen should enjoy, during her life, in lands and tenements, to the full sum of 10,000 marks by the year; for and in consideration of her dower, according as other queens of England had done.—Upon the petition of Edw. duke of York, touching 1000l. a year, granted by Rd. II. to him, and his heirs male, the king granted to Edw. the said duke 400l. out of the customs of Kingston upon Hull, and 289l. 6s. 8d. out of the customs of London, as parcel of the said 1000l. to him and his heirs lawfully begotten.—John earl of Somerset, captain of Calais, and of the marshes thereof, declared, that whereas by indenture between the king and him, he stood bound to keep the town and castle aforesaid, taking therefore, for himself and his soldiers, in time of peace or truce, 6301l. 11s. 8d. and in time of war 10,509l. 6s. 8d. whereof he was unpaid 12,423l. 12s. 4d. he therefore for want of this is much streightened, and prayeth due payment for the future. By this the reader may see how much money it cost the govt. in those days, to keep that important fortress in possession.—On the petition of Joan, late wife to Thos. earl of Kent, to have 1000l. a year during her life, out of the hereditaments of the said Thos. the king, by the consent of Edm. earl of Kent, brother to the said Thos. granted to the said Joan, during life, certain manors and hereditaments, there named, to the value of 300 marks over and above her jointure, for the which the said Joan released to the said Edm. all her dower.

*Sheriff fined for a false Return.*] The sheriff of Rutland having returned one Wm. Ondeby, for knight of the same shire, and not Thomas de Thorpe, who was chosen, he was commanded to amend the same return, by returning Thos. Thorpe; and farther was committed to the fleet, and to fine and ransom at the king's pleasure.

*Privilege of Parliament.*] In this parl. the Commons presented the following Petition to the king relative to their privileges.—See Rot. Parl. Vol. III. p. 541.—'Item priont les communes, q come "solone la custume de Roialme," seigneurs, chivalers, citezeins & burgeises, a voz parlamentz de vre commandement "venantz, illcoques demurrantz, & a lour propres retournantz," & "lour hommes & servantz ove eux en le dit parlement" desoutz vre especiale protection & defense, ne devoient pur ascun dette, accompt, trespas, ou autre contract qconque, estre arestuz, ou en ascun manere emprisonez en le mesne temps; & ja soit ensy q sovent foitz plusours de autiels hommes venantz a voz parlementz, & autres lour hommes & servantz durant le dit parlement, ont este arestuz par ceux q' ont eu plein conisance q ceux ensy arestuz furent de parlement, ou des hommes & servantz d'iceux de parlement, come est dit; en contempt de vous, grande damage de partie, "& retardacion des besoignes de vos parlementz:" Pleise establier, que si ascun desore en avaunt face arester ascun tiel homme venant al parlement, come est dit, ou ascun de lour hommes & servantz en le dit parlement, ove eux demurantz durant le dit parlement, ou ascun chose attempte enconter la custume, face fyn et ranceon a vous, & rende al partie greve ses damages a treble. *Responsio.* Y ad sufficient remede en le cas.'—In this parl. an act was passed for laying a penalty on any who makes an assault on any servant belonging to a knight of a shire attending the parliament.

*The Record of a Subsidy burnt by order of Parl.*] It is observable that not one tax or subsidy appears on the Record to have been either asked or granted by the king or parl. at this session. But Walsingham has assigned a reason for this omission, by telling us, that the record of the subsidy, which he says was new and very pernicious to the country, was ordered to be burned by those that granted it. This tax is said, by some, to be 20s. of every knight's fee, and 20d. of every one that had 20 pounds lands a year, and 1s. in the pound for money or goods, and so upwards according to that rate.

*A Parliament called.*] In the same year, new writs were issued out, directed as usual for a parl. to meet at Coventry, on the 3rd of Dec. though there is no account of any proceedings at it on record. But in the next year writs were issued for summoning another parl. to meet at the same place, dated at Litchfield, Aug. 25, and returnable the 6th of Oct. 1405. Being all met in the Great Chamber within the priory of Coventry, Hy. Beaufort, then bp. of Lincoln, and lord chanc. the king's brother, in the presence of the three estates of the realm, declared the cause of the summons, in the usual preamble; for holy church, corporations, and persons enjoying their liberties; and then gave out this text, *Rex vocavit seniores terræ*, on which he learnedly argued. "That for the safety of the realm, both within and without, and particularly for repressing the Welch rebels; for resisting their enemies in France and Britainy, who were daily getting reinforcements, in order to invade the nation, and to subvert the state; for the due observation of the peace and administration of justice, the king had called the wise men of the realm to be by them advised for the best. That the last parl. had not provided a sufficient force for subduing the Welch, neither was there a competency granted for the performance of such great exploits; and because the French had determined to make war upon England, and had then actually invaded Guienne, they could not wonder at the sudden calling of this parl. since they ought speedily to determine for the avoiding of these so great mischiefs and imminent dangers." He then urged the Commons to chuse a Speaker, and present him the next day to the king.

*Sir Wm. Sturmey chosen Speaker, and a Sub-*

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*sidy granted.*] This urgent demand was as speedily complied with by the commons; for the next day having presented sir Wm. Sturmey for their Speaker, the very day after, Oct. 8, they, with the assent of the lords, granted the king two 10ths and two 15ths, also the subsidy on wools, wool-fells, and skins; that is, of every denizen, for each sack of wool 43s. 4d. for every 240 wool-fells the like sum, and for every last of skins 5l.: of aliens 10s. more, to subsist for 2 years; 3s. on every tun of wine, imported or exported, and 12d. in the pound on merchandize. On condition that the same should be employed only towards the maintenance of the wars, and defence of the realm; and the lord Furnival, and sir John Pelham, knights, were appointed treasurers of war, who were then sworn to execute their offices according to the intention of the grant.—Several bps. and lords offered to lend certain sums of money, in order to raise forces for rescuing the lord of Coytiff, who was then besieged in his castle by the Welch rebels; the king appointed, by consent of parl. that such loans should be repaid out of the first payments of the subsidy then granted.

*Several Grants.*] On the 26th of Oct. the commons came before the king and lords, in full parl. and begged leave to recommend the young lords John and Humphry, two of the king's sons, for his advancement of them to honourable estates and livings. They also prayed the king to remember the duke of York's late service in Guienne and elsewhere, so as he might be paid the arrears due to him. The like request they made for the earl of Somerset, and sir Tho. Beaufort his brother. Lastly, they beseeched the king to restore to Richard, brother to the duke of York, certain jewels, to the value of 4000l. which were in the hands of king Rd. II. They likewise concurred in the request above, for the rescue of the lord of Coytiff.

*Motion for applying the Revenues of the Church to the Service of the State.*] When the king first represented to this parl. his great want of an extraordinary aid, the Commons went in a body, and, by their Speaker, addressed him, remonstrating, "That without burthening his people, he might supply his occasions by seizing on the revenues of the clergy." They set forth, "That the clergy possessed a 3rd part of the riches of the realm, and not doing the king any personal service, it was but just they should contribute out of their revenues, towards the pressing necessities of the state: that it was evident the riches of the ecclesiastics made them negligent in their duty, and the lessening of their excessive incomes would be a double advantage both to the church and state." The abp. of Canterbury being present, thought it his duty to speak on an occasion where his own and the interest of the whole clergy was concerned. He represented to the king, "That though the ecclesiastics served him not in person, it could not be inferred that they were unserviceable, since they sent into the field their vassals and tenants whenever there was occasion. That the stripping the clergy of their estates, would put a stop to their prayers, night and day, for the welfare of the state; and there was no expecting God's protection of the kingdom, if the prayers of the church were so little valued." Upon this, the Speaker of the Commons seemed to smile, and said openly, "That he thought the prayers of the church a very slender supply." To which the abp. answered, with some emotion, "That if the prayers of the church were so slighted, and that other considerations were not capable of suppressing the plots against the clergy, it would be found difficult to deprive them of their estates without exposing the kingdom to great danger; and, so long as he was abp. of Canterbury, he would oppose this injustice to the utmost of his power." Then, suddenly falling on his knees before the king, "he strongly pressed him in point of conscience, and endeavoured to make him sensible that, of all the crimes a prince could commit, none was so heinous as an invasion of the church's patrimony." Whether Henry was moved with the archbishop's speech, or that he foresaw the strong opposition the clergy would make, he suddenly changed his purpose, and told the abp. "That, though he blamed not his zeal, he could not help saying, that his fears were groundless; for when he mounted the throne, he made a firm resolution to support the church with all his power, and hoped by God's assistance to leave her in a better state than he found her." The abp. encouraged by this answer, turned to the Commons, and spoke to them in a manner not very proper to gain their goodwill, telling them their demand was built wholly on irreligion and avarice. "You," said he, "and such like as you, have advised both our lord the king and his predecessors, to confiscate the goods and lands of the alien priories and religious houses, on pretence he should gain great riches by it, as, indeed, they were worth many thousands. Notwithstanding, it is most true, that the king is not half a mark the richer for them all; for you have extorted, or, at least begged them out of his hands, and have appropriated the said goods to your own uses. So it may well be conjectured that your request to have our temporalities, proceeds not so much for the king's profit, as for your own covetousness. For, without doubt, if the king, as God forbid, should fulfil your wicked purpose, he would not be one farthing the richer for it at the year's end. "And, verily," added he, "I will sooner have my head cut off, than that the church should be deprived of the least right pertaining to it." The Commons made no reply to this severe reprimand, but when they came back to their house, they resolved to persist in their petition, and brought in a bill to seize the clergy's revenues. But there was no probability of succeeding in their project; the solicitations of the abp. and the rest of the prelates, were so prevalent with the lords, that

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they threw out the bill; and so the commons were forced to find other means to supply the king's occasions. Walsingham says, that the knights and burgesses were so ashamed of themselves, that they confessed their fault to the abp. and asked his pardon. And that the clergy granted the king at this time a 10th and an half, notwithstanding that the half of the last granted 10th was yet unpaid.

*Petitions of the Commons.*] In this parl. the Commons petitioned, that all hereditaments, liberties, and customs as pertained to the crown in the 40th of king Edw. III. and have been since by any means granted, be resumed into the king's hands for ever; provided that all towns shall enjoy their liberties, except also the lands of such as were forejudged in the 11th of Richard II. and sold away.—P. That all tuns and pipes of wines granted to any person by the king, or any of his progenitors, be also resumed.—P. That the queen may be endowed of all such hereditaments as Anne the late queen was, in whose hands soever the same be, and by what grant soever.—P. That all grants of Edw. III. or any of his progenitors, and before the said 40th year, may be confirmed by parl.—P. That no man be restrained of any warrant granted to build any castle, or caslet, or to inclose any park. Answer. The king will execute their requests, as far forth, as by the law, and his prerogative he may do, and for that the lands of the crown in the 40th of Edw. III. were not certainly known: he would appoint certain commissioners to enquire, and execute the same.—'Tis enacted, that proclamation be made, that all such as have any patents granted since the 40th of Edw. III. of any annual value for life, or years, do, on pain of forfeiting the same, bring them in by a day there prescribed, to the end that such as deserve the same, may have continuance, and the rest revoked.—Upon the petition of Henry prince of Wales it was enacted by the lords, that the said prince should have due payment made of 1000 marks granted to him for the keeping of certain men at arms for the defence of Wales.—On the last day of this parl. the Commons prayed, "That the money borrowed for saving of the honour of the lord John, the king's son, and the estate of the realm, may be answered: That the king would consider the painful service of the duke of York, whilst he was the king's lieut. of Guienne, and that he may be paid what to him is due; and also to remember sir Tho. Erpingham, sir Tho. Bempson, John Northbury, and other valiant knights and esquires, who adventured themselves with the king at his coming into the kingdom. Likewise, That no stranger born be a customer, or the like officer, neither enjoy any benefice within the realm. And, that no members of the commons house be collectors of subsidies." The king's answer to the 4 first was, "The king will be advised:" and to the last, "It shall be as in the reign of Edw. III." Lastly, at the request of the commons, the king remitted 6s. 8d. of every sack of wool, and the like of other staple commodities of the grant made in the 4th of Henry IV. by reason that so much was mis-entered in the roll.

*A Parliament called.*] On the 21st Dec. writs were issued for a parl. to meet at Coventry on the 15th of Feb. 1406, but on the 1st of Jan. writs were issued for their meeting at Gloucester on the day first appointed: and on the 9th of Feb. writs were a third time issued for their assembling at Westminster on Monday the 1st of March. Being met at Westminster, according to the last prorogation, in the Painted Chamber of the king's palace there, Tho. de Langley, clerk, then lord chanc. opened the cause of the summons, and after making the usual declaration about the liberties of holy church, &c. he took for his subject these words, *multorum consilia requiruntur in magnis;* and said, "That in the weighty affairs relative to the good govt. of the realm, and safety of the subjects, which were annoyed by the rebellion of the Welch, and likely to be invaded by the French and Scots, who ceased not to infest Guienne and the marshes of Calais; besides the troubles raised by the Irish, he had called the same parl. as meaning to follow the counsel of the wise, saying, *fili nil sine consilio facias, et tunc post factum non pœnitebit;* wherein he purposed to begin also, with the example of Ahashuerus, *Qui interrogavit sapientes, et illorum cauta faciebat consilia.* In which consultation, he declared to the king, lords and commons, that if they would observe the laws of God, they might then assure themselves to find peace at home, and victory abroad."

*Sir J. Tibetot chosen Speaker.*] The receivers of petitions being appointed, the next day the Commons came before the king and lords, and presented sir John Tibetot for their Speaker, who excused himself on account of his youth, and other causes; but the king confirmed the election. The very same day the commons, with the assent of the bps. and lords, granted a subsidy of one 10th and one 15th, to be levied on the laity for one year; and, besides, they gave to the king, in other matters, the same that was granted in the last parl.

*The Speaker proposes several Regulations in the Govt.*] On the 23rd of March, the Commons came before the king again, when sir John Tibetot, their Speaker, made the common protestation, and required a confirmation of all their liberties and privileges, and that they might at any time send for any of their bills from the lords, for amendment of the same; which was granted. The same day the said Speaker, before the king, made several Memorandums for good government, namely, for confirming all their liberties, for safe keeping of the sea, and for providing for the defence of Guienne, which was in danger to be lost. On the 3rd of April, the Speaker required of the king, that the following Regulations might be entered on record, viz.

"That for the better resisting of the Welch

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rebels, the prince might reside in Wales, and have sufficient power given him, by commission, for that purpose."—"That no heritages, conquered from the Welch, be given away till one quarter of a year after." The king answered, "that he would not grant any without advice."—"That the time for banishing all Frenchmen and Bretons out of the realm be appointed." It was answered, "it shall with all convenient speed."—"That it would please the king to excuse the commons, in that it had been reported, they had talked of the king's person otherwise than beseemed them, which was untrue." The king answered, "he believed the same." Then a committee of both houses was appointed, to treat about the safeguard of the sea, who agreed upon the Articles following:

"I. That the merchants, mariners, and owners of English ships, shall find and provide sufficient and able ships for 2000 fighting men, and 1000 seamen, for a year and a half. To answer which expence, they shall have allowed, upon account, 12d. in the pound on merchandize, and 3s. 5d. upon every tun of wine; with the fourth of the subsidy on wools, wool-fells, and skins, granted in the last parl.; and that the merchants, in levying the said sums, should have warrants under the privy seal as oft as there was occasion.—II. That the merchants shall enjoy all such prizes as they shall take, having due consideration for the king's captains when he shall appoint any.—III. That if the royal navy of the enemy shall happen to be at sea, and the king make out against them, then the merchants aforesaid shall have one month's notice to provide.—IV. The merchants aforesaid shall have reasonable warning of any peace or truce to be made; after which, they shall have due consideration for all their charges.—V. That the merchants name two persons, one for the south and the other for the north, who, by commission, shall have the same power as other admirals have had on the like occasion.—VI. The merchants demanded 4000*l.* for the present; but the answer was, the king had it not."

The same day the king, for certain weighty reasons, as the record expresseth it, adjourned the said parl. from that day, unto the quindeno of Easter, next ensuing, to be holden at the said place at Westminster; and licenced the lords and commons to depart for that time. The day appointed was the 25th of April, that year; when, because the abp. of Canterbury, with several other bps. and lords, were not yet come, the parl. was again adjourned for four days more. At the meeting, the Speaker of the Commons prayed the king, that under his protection he might be allowed as great a liberty of speech as any of his predecessors ever had, which was granted. They then requested the king to appoint certain persons by name, to be of his council; and that by authority of parl. They required, that provision should be made for the great dearth at Calais; that all captains beyond the seas be commanded to repair speedily to their forts and ports, as the earl of Somerset was about to go to Calais; and that Rd. Childero, one of the admirals for the sea, might be ordered to go thither; all which the king granted.

*The Crown entailed by Act of Parliament.*] This parl. continued sitting till the 7th of June, when the famous act was passed for entailing the crown of England, with all the hereditaments and rights whatsoever, on the present king, and the heirs male of his body, lawfully begotten. In like manner, it was entailed on the prince of Wales, and, for default of his issue, on the lords Thomas, John, and Humphrey successively. Cotton remarks, that the Conveyance is crossed in the Record; and on the margin of it is wrote *Vacat*; yet this Conveyance, he adds, was exemplified under the great seal at that time.

*Parl. adjourned.*] On the 19th of June the king again adjourned this parl. to the 15th of Oct. following. On which day the parl. being again assembled, was farther adjourned for four days more, to give time for some lords and commons yet to come up. And it was not till Nov. 17th, that sir John Tibetot, Speaker of the Commons, came before the king, and required a confirmation of his first protest, which was granted. And, upon a motion of the said Speaker, the king charged both lords and commons, on their allegiance, that they should particularly enquire concerning any evil government, and prevent it for the future. The same day the Speaker required that the castle of Manlion, which was the key of the three kingdoms, and which was kept by sir Ch. de Navarre, a foreigner, might be kept by Englishmen only. "That all fines and ransoms of the Welchmen may be employed in those wars. That the prince may be sent into Wales with all speed, considering the rebellion of the earl of Northumberland and others. That certain castles might be kept as hostages for the earl of Douglass; and that the other Scotch prisoners should not be slightly given up, considering, as they said, that they were the flower of all Scotland."

*Act of Settlement repealed.*] In this session of the same parl. the Conveyance or Act of Settlement, mentioned before, was repealed; and another act was made upon it, whereby the crown is entailed upon the king and his sons, in general tail, &c. As a matter of such great moment as the Succession to the Crown of England, settled by act of parl. ought not to be slightly passed over in these enquiries, we shall present the reader with an Abstract of the Statute itself, as it is published in the Collection of public acts, translated from the Latin; together with the Names of the Bishops, Abbots, and Lords, &c. who signed the said act.

"Henry, by the grace of God, &c." It begins with a recital of the act made last session of parl. for settling the succession on the male line only as aforesaid. Then adds, "never-

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theless, because the prelates, lords, clergy, and the whole community of England, considering that the said statute, by excluding the female line, too much contracted the right of succession, which they rather sought to enlarge; they unanimously petitioned us, with more than ordinary zeal, to annul and make void the said statute, and to pass an act for settling the right of succession in Henry, my son and heir, and the rest of my sons, and their children, lawfully begotten, successively. We, therefore, judging the said request to be consonant to our right, do annul and make void the said former statute; and with the consent, and by the authority of the said prelates, lords, &c. in parliament assembled, do ordain, establish, &c. the said Henry, our first-born son, our true, lawful, and undoubted heir, and universal successor, to our crowns and kingdoms of England and France, and to all our dominions beyond the sea whatsoever; with all their rights, appurtenances, privileges, &c. belonging thereto; and after him successively, to the heirs of his body, lawfully begotten, for ever." For failure of this, in like manner, the settlement establishes it on Thomas, the king's second son, and his heirs, &c. then to John and Humphrey, his 3rd and 4th succeeding." Provided, that by this statute or ordinance, we intend not to change or alter the succession to the rights, possessions, honours, and customs, with all other appurtenances, belonging to the dutchy of Lancaster; but that the said rights, &c. may remain as they have been accustomed, this or any other statute made in this parl. notwithstanding. In testimony of which, not only our seal, but the seals of all the lords spiritual and temporal aforesaid, for themselves, the clergy, and community aforesaid, are put to these presents:

*Bishops.*

Thomas, archbishop of Canterbury, primate of England
Nichol. bp. of London
Henry, of Winchester
John, of Ely
Thomas, of Durham
Robert, of Chichester
Richard, of Salisbury
Guy, of St. David's
John, of Coventry and Litchfield
Richard, of Worcester
Rd. of Bath and Wells
Robert, of Hereford
Philip, of Lincoln
Thomas, of Llandaff; and Wm. of Carlisle
The Guardians of the Spiritualities belonging to the archbishopric of York, and to the bishoprics of Norwich and Rochester.

*The Abbots of*

Westminster
St. Alban's
Waltham
Peterborough
St. John, in Colchester
St. Edmund's Bury
Abyndon
St. Mary's, York
Croyland
Bardoney
St. Bennet, of Hulm
Glastenbury
Malmesbury
Redyng
Thorney
Selby
Battel
Cirencester
St. Peter's, Gloucester
Evesham
Ramesey
Hyde, near Winchester
Winchecumbe
The prior of Coventry; and Walter, prior of the hospital of St. John of Jerusalem, in England.

*Dukes.*

Edmund, d. of York
John, of Somerset
Edmund, of Kent.

*Earls.*

Thomas, e. of Arundel
Richard, of Warwick
Edward, of Devonshire
Michael, of Suffolk
Rich. of Oxford; and
Ralph, of Westmorel.

*Barons.*

William, lord Roos
Richard, lord Grey of Codenore.
Henry, ld. Beaumont
Reginald, lord Grey, of Ruthyn
William, lord Ferrers
Thomas, lord Furnival
Wm. lord Willoughby
Hugh, lord Burnel
William, lord Clynton
Thomas, lord Morley
John, lord Darcey
John, lord Lovel
Barth. l. Bourghchier
Gilbert, lord Talbot
William, lord Zouch
Thomas, lord Camois
Richard, ld. Seymour
Henry, ld. Fitz-Hugh
Henry, lord Scroop, of Masham
John, lord Welles
John, lord Cobham
Peter, lord Mauley
John, lord Latymere
Edward, lord Charlton, of Powys
Thomas, ld. De la War
Thomas, ld. Berkeley
Ralph, lord Cromwell
Ralph, lord Greystock
Wm. lord Bergavenny
John, lord Touchett
Robert, lord Ponynges
Jn. l. Harrington; and
Richard, lord Strange.

Also sir John Tibetot, knight, Speaker of the house of Commons, in this parl. in his own and in the name of the whole body, gave his assent to all the aforesaid articles. Lastly, the king, with all the rest, swore to keep all the said premisses inviolably. Dated in this present parl. within our palace at Westminster, Dec. 2, A. D. 1406, in the 8th year of our reign."

*The Lords Address against the Lollards.*]—"At this time," says sir Robert Cotton, or rather his publisher, Mr. Prynne, "the clergy suborned Henry prince of Wales, for and in the name of the bps. and lords; and sir John Tibetot, the Speaker, for and in the name of the commons; to exhibit a long and bloody bill against certain men called Lollards, namely against those that preached or taught any thing against the temporal livings of the clergy. Other points touching Lollardy, I read none; only this is to be marked for their better expedition in this exploit, they joined prophecies touching the king's estate, and such as whispered and bruited that king Richard was still living; all which they inserted, to the end that by such subtilty they might better gain their ends against the poor Lollards aforesaid. Wherein, note a most unlawful and monstrous tyranny; for the request of the said bill was, that every officer, or other minister whatsoever, might enquire after, or apprehend such Lollards, without any other commission, and that no sanctuary should protect them."—But it will not be amiss to present the reader with an abstract of this bill, which Mr. Fuller, in his Church History, Book IV. p. 162, says, he carefully took from the Records in the tower.

"To our most redoubted and gracious sovereign, the king: Your humble son, Henry prince of Wales, and the lords spiritual and temporal in this present parl. humbly shew,

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That the church of England hath been, and now is, endowed with Temporal Possessions, by the gifts and grants, as well of your royal progenitors, as by the ancestors of the said lords temporal, to maintain divine service, keep hospitality, &c. to the honour of God, and the soul's health of your progenitors, and the said lords temporal.—Yet, now of late, some, at the instigation of the enemy, against the aforesaid church and prelates, have, as well in public sermons, as in conventicles and secret places called schools, stirred and moved the people of your kingdom to take away the said temporal possessions from the said prelates, with which they are as rightly endowed, as it hath been, or might be, best advised or imagined by the laws and customs of your kingdom; and of which they are as surely possessed, as the lords temporal are of their inheritances.—Wherefore, in case that this evil purpose be not resisted by your royal majesty, it is very likely, that in process of time they will also excite the people of your kingdom for to take away from the said lords temporal their possessions and heritages, so to make them common to the open commotion of your people.—There be also others who publish, and cause to be published, evilly and falsely, among the people of your kingdom, That Richard, late king of England (who is gone to God, and on whose soul God through his grace have mercy), is still alive. And some have writ and published divers false pretended prophecies to the people; disturbing them who would, to their power, live peaceably, serve God, and faithfully submit and obey you their liege lord.—Wherefore, may it please your royal maj. in maintenance of the honour of God, conservation of the laws of holy church, as also in preservation of you, your children, and the lords aforesaid, and for the quiet of all your kingdom, to ordain by a statute in the present parl. by the assent of the lords aforesaid, and the commons of your kingdom, That in case any man or woman, of what estate or condition they be, preach, publish, or maintain, hold, use, or exercise, any schools; if any sect or doctrine hereafter against the Catholic faith, either preach, publish, maintain, or write a schedule, whereby the people may be moved to take away the temporal possessions of the aforesaid prelates; or preach and publish, That Richard late king, who is dead, should still be in full life; or that the 'fool in Scotland,' is that king Richard who is dead; or that publish or write any pretended prophecies to the commotion of your people; That they, and every of them, be taken, and put in prison, without being delivered in bail, or otherwise, except by good and sufficient mainprize, to be taken before the chancellor of England, &c."

*Articles for the Regulation of the Govt. presented by the Speaker, and sworn to by the King's Council.*] The Speaker of the House of Commons came again before the king and lords, and required, in the name of that body, that all the lords of council might be sworn to observe certain Articles, which they had drawn up, for the better Regulation of the public affairs of the kingdom. The abp. of Canterbury, for himself and others, refused to swear to them, but offered to do what they could towards their observance. Upon this the king charged the said abp. with the rest, on their allegiance, to take the oath, which accordingly they did; and further, the king caused all the officers of his household, and of all his courts of justice, to be sworn to fulfil the said oath. The articles were these:—

"I. That worthy counsellors and officers be appointed, and not to be removed without good proof of their ill management.—II. That no due grants be stayed at the great or privy seal.—III. That none about the king's person do pursue any suit or quarrel, by any other means than by order of the common law.—IV. That no officer be appointed by any mediation contrary to the laws.—V. That order be taken for the governance of the king's house, chamber, and wardrobe.—VI. That the revenues and profits of the crown and realm be employed towards the charges next aforesaid.—VII. That no person, under a penalty, do receive, or take by way of gift, any of the profits aforesaid.—VIII. That two certain days in the week be appointed for all suitors to exhibit their petitions to the king: and that some persons may be also appointed to receive and give answers to the same.—IX. That no man whatsoever do prefer any bill or suit to the king on any other days.—X. That none of the council hold pleas of any matter determinable at common law.—XI. That all statutes touching buyers and purveyors may be executed.—XII. That no one of the king's council shall give encouragement to any suitor before determination had in full council.—XIII. That no matters of council may be dispatched, but by full assent, unless the same require great haste; in which cases, word shall be sent to such counsellors as are absent, to the end that their advice may be known.—The XIV. XV. XVI. XVII. XVIII. and XIX. articles ordain, That none of the king's higher officers, or other under officers, or clerks of any of his courts, or of his household, shall take any but their accustomed fees, or appoint any minister under them to do the same.—XX. That the queen do pay for her journey to the king's houses, as queen Philippa lately did.—XXI. That none of the officers of the marshalseas of the king's house, or clerk of the market, do hold any plea otherwise than in the time of Edw. I.—XXII. That all the sheriffs, before the election of knights of the shire, shall by open proclamation in their several counties, give 15 days respite to the time and place.—XXIII. That all the king's great officers of every court, and of his household, shall maintain the common laws.—XXIV. That all foreigners who are not denizens do make fines, by a day, with the king.—XXV. That the steward of the king's house, with the treasurer, have

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full power to discharge the serjeants, and other officers, for their misdemeanors.—XXVI. That the said officers, and chamberlain of the household, do execute their trusts according to the statutes of the king's house.—XXVII. That no judicial officer, or other minister within the king's house, or in any of his courts, enjoy any of the said offices, but at will.—XXVIII. That all the chief officers of the king's house and courts do make yearly strict enquiries of all misdemeanors and misprisions done under them, and make report thereof to the king's council.—XXIX. That the array of the special assize challenged, be tried at large, as in general assizes; and that the sheriff do take nothing for any pannel between party and party.—Lastly, That all the articles aforesaid shall only continue to the end of the next parl."

Whoever considers well the foregoing Articles, delivered by the Speaker, will find that there is scarce a trifling one amongst them; which evidently shews, that the commons of England were neither fools nor knaves in those days. Nor was the king less obliging and condescending on his part, than the commons had been resolute and presumptive on theirs; not only suffering the said articles, which struck sufficiently at his prerogative, to pass into a law, though but a temporary one; but also compelling the abp. with the rest of the council, &c. to swear to the observance of them. Which also demonstrates, that whatever indirect steps Henry took to acquire the diadem, he was resolved to keep it; and is a strong instance, that the best laws for the subject, have been often gained under the weakest titles of our kings.

*Act relating to County Elections.*] In this parl. the king gave his assent to an act for securing the freedom of elections. This act is still extant in our statute-books; by which it was enacted, "that at the next county-court, after the delivery of the writ of parl. all there present, as well suitors summoned for the same cause, as others, shall attend to the election of the knights for the parl. and in the full county they shall proceed to election freely and indifferently, notwithstanding any request or commandment to the contrary. And after they are chosen, their names shall be written in an indenture, under the seals of all those that did chuse them, and tacked to the writ of parl.; which indenture shall be holden for the sheriff's return of the said writ."—There are many Petitions, Answers, &c. in Cotton's Abridgment of the proceedings of this parl. which, because they relate to lesser affairs, or private property, are here omitted. It is observable, however, how anxious the Commons were that all these matters should be carefully recorded; for at their own request it was enacted, that certain members of their house should be present at the engrossing the roll of this parl.

*Grants made by the King to Sir John Tibetot the Speaker.*] The king, to shew his generosity and gratitude to sir John Tibetot, the young Speaker of the house of commons, granted to him, in fee, all the lands and hereditaments of Rd. ap Griffith ap Voethus, in the counties of Carmarthen and Cardigan, and elsewhere in the principality of South Wales, forfeited to the king by his being an adherent to Owen Glendour, rebel and traitor; and also the office of keeper of the forests of Waybridge and Sapley, in the county of Huntington, without any fee or out-payment. And further, the goods and chattels of Peter Priswick, carpenter, a felon, amounting to 150*l.* He was afterwards made earl of Worcester. Mr. Prynne makes an observation at the end of this session of parl. to this purpose: "that the Commons' young Speaker took more upon him, and spoke more boldly and fervently to the king and lords, than any Speaker had done before him. Which innovation beginning to grow in fashion, the king and lords thought proper, in a succeeding parl. to put a check upon, as a novelty inconsistent with the king's prerogative. That the Speakers afterwards became more modest, and did not say any thing that was displeasing to the king; or, if they casually did, to pray that it might be imputed only to their ignorance, and not unto the commons." It is further remarkable, that this is the longest parl. we have yet met with; for though it is not expressly said when it was dissolved, yet we may well suppose, by the three prorogations, that it continued near a year; which was an innovation in the ancient constitution taken notice of by several historians as a great blot in this reign. Hollingshead in particular says, that "the long continuance of this parl. was a great loss and damage to the commonalty; for the expences of their representatives was almost equal in value to the sum demanded that was for the subsidy."

*A Parl. called.*] On the 20th of Oct. 1407, another parl. met, by summons, at Gloucester; but, upon calling over the house of commons, several defaulters being found, it was put off for 4 days longer. On that day, the abp. of Canterbury, Arundel, still lord chanc. opened the session with a speech, and took this text for his subject, *regem honorificate*; in which he endeavoured to prove, "that for 3 especial causes the king ought to be honoured. 1st, for that the king, by maintaining the liberty of holy church, honoured God, and therefore ought himself to be honoured; 2nd, for his great care towards his subjects, as well in the observation of the laws, as in his defence of them against foreign enemies; and, 3rdly, because that, ever since his coronation, he had shewn favour and pardon to all that asked them; and added that, as in necessity, every member of man's body would seek comfort from the head, as the chief; so he applied it to the honouring of the king, who was the head of the constitution. He desired the house of commons to choose a Speaker that afternoon, and present him the next day to the king; and, lastly, he required them all to consider on proper means to end the rebellion in Wales; to take care for the safe guarding of the sea;



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for defending of Guienne, Calais, and Ireland, and the northern marches, and how by their aid the same might be best accomplished."

*Sir T. Chaucer chosen Speaker.*] The chancellor having finished his harangue, the receivers and triers of petitions were constituted; and the next day the commons presented sir Thomas Chaucer for their Speaker; who, after excuse for himself and confirmation, made the common protestation, which was granted. On the 9th of Nov. the commons came again before the king, where the said Speaker repeated his former protestation, and began to rehearse the grant of the last subsidies, and the oaths of the lords and others for the disposition of the same. But the chancellor interrupted him, and said, that no accounts were yet made for the disbursements of the same to the commons; and that the lords, having little thanks for the last, would by no means take the like oath again; which the king, at his request, excused them from. Then the said Speaker made great complaints against purveyors; to which the steward and treasurer of the king's house answered, "that the same should be remedied."

Nov. 14, upon the coming of the commons before the king and lords, the Speaker told them of the great disadvantage the nation suffered by not guarding the sea; and that those who had lands on the marches of Wales never dwelled thereon; of which he desired that due consideration might be taken, which was promised: and that certain lords, by name, might be appointed to confer with, the commons on these and other matters. But, at the request of the merchants, made last parl. the king granted to Wm. Childero, late admiral of the south and west seas, the allowance of 2668*l.* which was due to him, and that he be discharged of all accounts.

Nov. 21st, which was the last day of this parl. the Speaker desired the king to give public thanks to the prince of Wales, for his great fatigue and good conduct in Wales; for which both the king and the prince returned back their compliments to the commons. After which the prince, kneeling before the king, cleared the duke of York from disloyal reports spread against him, and in open parl. averred him to be a true and loyal knight. At the same time, the Speaker moved the king to advance his sons the lords Thomas, John, and Humphrey, to some honourable titles and fortunes.

*A Subsidy granted.*] The lords and commons on the same day granted to the king one 10th and a half; with the like subsidy for staple and other merchandizes, as was granted in the last parl. for 2 years. And, in consideration of the subsidies aforesaid, the king promised, that for 2 years next ensuing, he would require no other subsidies or charge on his subjects; and, for more assurance thereof, desired that this might pass into an act, and that every member might have a copy of it.

*An Order to prevent the Lords from communicating the Commons private Debates to the King.*] It appears, by the Record, that the lords and commons did not agree so well as formerly, in this parl. for a difference that happened between the two houses about granting the subsidy, gave rise to the following ordinance, viz. "That in all future parliaments, in the absence of the king, it should be lawful as well to the lords by themselves, as to the commons by themselves, to debate of all matters relating to the realm, and of the means to redress them; without disclosing the same to the king before a determination made thereof, and that to be done only by the mouth of the Speaker. Which ordinance was made, because part of the aforesaid displeasure arose on account of the lords making the king, several times, privy to their debates on the subsidy, and brought messages from him; which the commons said was absolutely against their liberties."

*A Parliament called.*] Another parl. was called to meet at Westminster, on the 18th of Jan. 1410, but they did not sit to do business till 9 days after. When the bp. of Winchester, the king's brother, there being then no chanc. declared the cause of the summons to be for the preservation of the church's liberties, &c. and then took for his subject, *Deest nos implere omnem Justitiam*, on which he discanted to this purport:—"That this parl. was summoned for two causes; the 1st for the inward governance of the realm, as in the due observance of the laws; the 2nd for outward governance, as in a proper defence against a foreign enemy; and in this he touched upon the duke of Burgundy, then governor of France, who he said meant to besiege Calais, with a great army, and then to conquer this kingdom."—He told them, "That there were two kinds of govt. the *jus regiminis*, and *jus subjectionis*; allowing the first to be better, according to the answer of Aristotle to king Alexander, who, being asked in what manner the said king might strongest fortify the walls of a new fortress, or frontier town, which he had built, answered, that the strongest walls were the hearty good-will of his subjects, and obedience to the laws."—He said, "That all true subjects owe to their sovereign three chief points, viz. honour and obedience, reverence and benevolence, and hearty assistance. And because the present necessity required ready assistance, and speedy dispatch, the king had called this assembly for a full consultation; which he wished might redound to the glory of God, the honour of the king, and the safety of the whole realm. For which good end he willed the commons to go to an election of their Speaker, and present him the next day to the king."

*Sir T. Chaucer chosen Speaker.*] On the 28th of Jan. the Commons presented sir Tho. Chaucer again for their Speaker, who, making the common protestation, the king, by his own mouth, allowed of it; but added, "That since now the lords and commons were come to an agreement, he expected that they, the com-

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mons, would speak no unbecoming words, or attempt any thing that was not consistent with decency."—Feb. the 7th, at the request of the commons the assizes were prorogued, by the king, during the sitting of parl. But nothing more is said of their proceedings till the 15th of March, which, being at that time in Palm-Sunday week, at the desire of the commons, the parl. was adjourned to the 7th of April. At that day, being reassembled, the king granted that certain of the most learned bps. and worthy lords, should be assigned to be of his council; and that they and all the judges should be sworn to give good counsel and upright judgment.

*Acts passed for the Security of the Kingdom.*] It was enacted, that all such as had castles and towns in the marshes of Scotland, should furnish them with necessaries, and keep guard there in proper person. The same order was taken for the castles and towns in Wales. Also that the revenues of the king's dominions beyond sea should for 3 years be employed on the soldiers there; and that no officer there, who is immediately accountable to the king, shall enjoy the same during life.—It was also enacted, that three parts of the subsidy on wools shall be employed upon the defence of Calais, the castle there, the new tower on Rochbank, and on the marshes of Calais, and for the payment of certain debts there. That such subsidies as should be granted this parl. should be employed according to the grant, and not otherwise. And, on a remonstrance from the commons, the king ordered that all foreigners who are come into the realm, except merchants, shall make protestation to live and die in the king's quarrel; shall serve in the wars if they are able; and shall not be lodged but in Englishmen's houses. Also, that none of them shall be brokers, and that no broker shall be a merchant to his own use.

*Respect paid by Parl. to the P. of Wales.*] On the 2d of May, upon the earnest request of the commons, such lords as were before appointed to be of the king's council, were again declared; all of whom, with the judges, were then sworn to do justice; except the prince of Wales, who, "for his worthiness," was excused that ceremony.

*The Commons renew their Project for reducing the Revenues of the Clergy.*] In this parliament there was some relaxation demanded of the late severe act against Lollards and Heretics: for now it was requested by the commons, "That all such persons as should be arrested by force of the statute, made against Lollardy in the 2nd year of this reign, may be bailed and freely purge themselves of it; that they be arrested by no others than the sheriffs, or such like officers; and that no havock be made of their goods." Answer. "The king will be advised."—Thus far the Record. But Rapin relates, that on passing the act for regulating Elections, the commons were encouraged, before they granted an aid, to renew their former instances in regard to the Clergy. Wickliff's doctrine had gained so much ground, that the majority of the house of commons were then in that way of thinking; and, thus biassed, they presented two petitions to the king, one against the Clergy, and the other in favour of the Lollards. In the first they set forth, "That the Clergy made an ill use of their riches, and consumed their incomes in a very different manner from the intent of the donors. That their revenues were excessive, and consequently it was necessary to lessen them. That so many estates might easily be taken from them as would serve to provide for 150 earls, at the rate of 3000 marks, yearly, each; 1500 barons at 100 marks each; 6200 knights at 40 marks; and 100 hospitals, at as many marks yearly, for each hospital. That, by these means, the kingdom's safety would be better provided for, the poor better maintained, and the clergy more attached to their duty." This is Rapin's account of the contents of this bill; but could so learned and judicious an author ever suppose that such a number of earls, barons, and knights, were likely to be supported at such a calculation; provided that the commons were willing to raise so many new lords and masters amongst them? His marginal note refers us to Walsingham for his authority; but, unfortunately for him, that very authority contradicts it. Walsingham's account of the contents of the bill, which the commons now exhibited against the clergy, is this, "That the temporalities, disordinately wasted by men of the church, might well suffice to find the king with 15 earls, 1500 knights, 6200 esquires, and 100 almhouses, for the relief of poor people, more than there were then in England. That every earl should have, of yearly rent, 3000 marks; every knight 100 marks, and 4 plough lands; every esquire 40 marks and 2 plough lands; and every almshouse 100 marks; and be overlooked by two true secular priests to each house. And, over and above all these, the king might put yearly, into his own coffers, 20,000 l. Provided also, that every township should maintain their own poor, that could not labour; on condition, that if any was overburthened with them, then the said townships to be relieved by the alms-houses aforesaid. And, for to bear the charges of all these things, the commons affirmed, in their bill, that the temporalities, then in the possession of spiritual men, amounted to 322,000 marks, yearly rent." The commons also alledged, "That over and above the said sum of 322,000 marks, several houses of religion in England possessed as many temporalities as might suffice to find 15,000 priests; every priest to be allowed, for his stipend, 7 marks a year." This is a genuine account of this extraordinary attack on the clergy, in those days; the bill was brought into the house by sir John Oldcastle, lord Cobham; which drew upon him the hatred of that vast body of men, and terminated at last in his own destruction.

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The second Petition is mentioned in the Record, wherein the commons prayed that the statute passed against the Lollards, in the 2d year of this reign, might be repealed; or, at least, qualified with some restrictions. Mr. Rapin here again makes this reflection on these two petitions; "That if the parl. which first moved the lessening the Clergy's Revenues was called the unlearned, it may well be supposed that this met with no better treatment. The name of lollard and heretic was plentifully bestowed; and the clergy considered these petitions as tending to undermine all religion. This was industriously insinuated to the king, with all the aggravation which parties concerned are capable of displaying on such an occasion. It is hard to know, whether the king himself was of this mind; but, however, he openly declared, that he had the interest of the church no less at heart than the clergy themselves. And, being now very easy from his enemies, both at home and abroad, he had no mind to provoke so great and dangerous a body against him." For this reason he rebuked the commons very sharply, and said, "That he neither could nor would consent to their petitions, and expressly forbad them to meddle any more with the Church's concerns. As for the Lollards, he added, that far from permitting the statute against them to be repealed, he wished it more rigorous, for the utter extirpation of heresy out of the land." The commons being again defeated in their expectations in these higher matters, contented themselves with petitioning, that clerks when convicted, might be put into the king's prisons, or those of the temporal lords; alledging, for reason, that clerks by those means frequently escaped the punishment they deserved. This point had been often attempted by the laity against the clergy; particularly, as high as the reign of Henry II. when that prince, and all the peers of the realm, maintained this point so stoutly against abp. Becket and pope Alexander III. But Henry, fearing to be exposed to the same troubles his predecessor had been, refused, also, to give his assent to this bill; and, to shew the commons how far he was from giving any countenance to these proceedings, he signed a warrant for the burning of one Tho. Badby, who had been before convicted of heresy.—The Commons considered this execution as an insult, and great aggravation of the king's other refusals; and accordingly, when Henry demanded a power to levy every year a certain subsidy, which was a 10th from the clergy, and a 15th from the laity, without a meeting of a parl. this demand was boldly rejected. The commons would have even refused the supply for his necessary occasions, if he had not forced them to it, by prolonging the session till he got his desire.

*Petition of Rd. de Hastings.*] A matter of more private concern came also before this parl. which since it bears respect to an ancient and noble family, which we shall be after have repeated occasions to mention, we cannot omit Cotton's account of it. The Petition of Rd. de Hastings, sheweth, that Ralph de Hastings, his brother, who was attainted and beheaded for high treason, in the 6th year of the king, died without issue; and prayeth to be restored as well to his blood, as to all such lands as the said Ralph had at the time of his death, without any further suit. Which petition, by the assent of the whole parl. was granted.

*A Subsidy granted.*] On the 9th of May, and the last of this parl. the Speaker of the commons required the certain knowledge of the counsellors names; whereupon two of them were changed. They then, with the assent of the bps. and lords, granted the king the like subsidy as in the 9th of this reign, so as express mention should be made in the grant, 'that it was provided of their own good wills;' whereof they gave 20,000 marks to the king, to dispose of at his pleasure. After which the Speaker recommended to the king the persons of the queen, the prince, the lords Thomas, John, and Humphrey, the king's sons, and prayed their advancement; for which the king thanked them, and promised satisfaction in this matter at a proper opportunity.

*A Parl. called.*] Another parl. assembled at Westminster, on the 2d of Nov. 1411. At which time, the commons being called over, as usual, sir Tho. Beaufort, another half-brother of the king's, then chancellor, by virtue of letters patent there read and enrolled, began, prorogued, and continued the said parl. for a week longer. At which time the said chancellor, by the king's command, in his presence, and in the presence of all the lords and commons, declared, "That this parl. was called for 3 causes: for the good govt. of the realm, due execution of the laws, and the defence of the kingdom, with the safe keeping of the seas." From these he argued, "That to the good governance of the realm belonged faithful council without flattery, and due obedience without grudging. To the due execution of the laws did appertain sincere keeping of the same, and speedy redress for fear of abuse. To the defence of the realm there needed their hearty willing relief to the king in his distress, with discreet and speedy provision; for all which causes they were then assembled." He added, "That it was the king's pleasure the church, with all corporations and persons, should enjoy their wonted liberties; and, for expediting these matters he desired the commons to chuse a Speaker, and present him the next day."

*Sir T. Chaucer chosen Speaker.*] Accordingly, the commons presented sir Thos. Chaucer once more their Speaker; whose excuse not being allowed, he prayed that he might speak under the usual protestation. It was granted that he might speak as others before had done; but that "the king would have no novelties introduced, and would enjoy his prerogative." Upon

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this, the Speaker desired a respite for 3 days to give his answer in writing, which was, "That he desired no other protestation than what other Speakers had made; and, that if he should speak any thing to the king's displeasure, it might be imputed to his own ignorance only, and not to the body of the commons;" which the king granted.

*A Supply granted.*] Then the commons, by assent of the bps. and lords, granted to the king the same subsidy, as to tonnage and poundage, as in the two last parliaments; so also that it might be expressed to proceed "from their own good-will, and not of duty." They also granted, that every person possessed of 20l. by the year, above all charges, shall pay 6s. 8d. except lands purchased in Mortmain before the 20th of Edw. I. and lands purchased in Frank Almoigne since the said 20th year. This is the first tax upon land that we have yet met with.

*Act for regulating the Coin.*] It was enacted, "That the mint-master within the tower of London, and other minters within the king's grant, may coin of every pound of gold of the tower weight 50 nobles; and of the same weight of silver 30s. sterling, during two years; provided that the said gold and silver be of good allay as the old coin was."—About this time the current coin of the nation was much debased by foreign money being added to it; whereupon a law was made this parl. for prohibiting a certain bad coin, called Galley Halfpence, to pass current, as also all foreign money, as well of Scotland as other nations. Daniel writes, that though the king had no tax granted this parl. (we suppose he means no 10ths nor 15ths) yet he so well managed the business of the coinage, that he raised as good a fund by it. For partly by seizing the forfeited money, and partly by coining new nobles, which he made a groat lighter than the old, he much enriched his own treasury.

*The Abp. of Canterbury's Power of visiting the University confirmed by Parl.*] A church affair of some consequence came before this parl.; Thomas, of Canterbury, by a long instrument, in Latin, showed, that in the time of Rd. II. the university of Oxford had purchased a Bull to be clearly exempt from the visitation of the said abp. to the end that they might better support hereticks and lollards; and that the said king Rd. took order that they should still be subject to the said abp.'s visitation, notwithstanding the said bull. Yet, he added, that in this king's time he had been disturbed in his visitation aforesaid by Richard Courtney, the chancellor, Bennet Brett, and John Birch, the proctors of the said university; and that by their submission to the king's order, it was by him, in chancery, decreed, that the whole university aforesaid, and all orders, persons, and faculties in the same, should be fully subject to the visitation of the said abp. and his successors, and to his and their officers. And that as often as the said abp. or his successors, or his or their officers, should be interrupted by the said chancellor, their liberties should be seized into the king's hands, until the said abp. was restored to his right. And further, for every time of such interruption, the chancellor, or other officer of the university, should be bound to pay to the king 1000l.—All these articles and orders, at the request of the said abp. were confirmed by the whole assent of parl. On all which sir R. Cotton makes this remark, "That hence it most manifestly appears, that even in those days the prerogatives of our princes were nothing subject to the pope's supremacy. For, otherwise, this abp. the pope's adopted and foster-son, would not have so slighted the pope's bulls, which he plainly took for mere bells and baubles."

On the 20th of Dec. which was the last day of this parl. the lords and commons, by their joint Petition, seemed to lament that a report was spread, that the king was offended with some in both houses, for matters done in last parl.; and they desired that the king would embrace and esteem them as his loyal subjects; which request he, out of mere grace, granted. Then the Speaker again recommended to the king the persons of the queen, the prince, and the rest of the king's sons, praying the advancement of their estates; for which his maj. returned them his hearty thanks. And after the more private petitions of the commons were answered, the chancellor, by the king's command, gave thanks to the three estates of the realm, and dissolved this parliament.

*Act against Riots.*] We must not omit to mention that a statute was passed in this parl. against Riots and other Public Assemblies, whereby it was enacted, "That all justices of peace should have a very strict eye upon the subject to prevent all riotous meetings, and sheriffs to be as watchful to suppress them; which, if they neglected, they should each of them forfeit 100l. for every such offence." However, we find in the Public Acts a general pardon, or act of grace, not mentioned by the Abridger of the Records, which must have passed in this session of parl. though it is dated Dec. 22, or two days after the dissolution of it. The king's writ or proclamation of the act, was sent to all the sheriffs in England; and there are but two exceptions, viz. Owen Glendour and Thos. de Trumpyngton, with their adherents, included. This seems to be a very seasonable Act of Grace, both for the king and his subjects; since, as he shewed mercy to them, he had the better title to expect it himself, from the king of kings, before whom he was shortly to appear. For very soon after Henry was seized with a distemper, which, in three months time, brought him to his end; dying March the 20th, 1413, in the 46th year of his age, and the 13th of his reign.

*Taxes in the Reign of Henry IV.*

In his 1st year there was granted to him 50s. on every sack of wool from denizens; and 4 pounds from aliens for 3 years: also a 10th and a 15th.—In his 2nd year, a subsidy was granted of one 10th, and one 15th, 2s. on

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every tun of wine, and 8d. in the pound on merchandize.—In his 4th year there was granted to the king, the usual subsidy on wools, wool-fells and skins, for 3 years; also 3s. on every tun of wine, and 12d. in the pound on merchandize, besides a 10th and a 15th.—In his 5th year there was a tax of 20s. on every knight's fee, and 20d. of every one that had 20 pounds lands a year, and 1s. in the pound for money or goods, and so upwards according to that rate. But the record of this subsidy was burnt by order of the parl. that granted it.—In his 6th year he had two 10ths and two 15ths, also the subsidy on wools, wool-fells, and skins; that is, of every denizen, for each sack of wool 43s. 4d. for every 240 wool-fells the like sum, and for every last of skins 5 pounds: of aliens 10s. more, to subsist for two years; 3s. on every tun of wine, imported or exported, and 12d. in the pound on merchandize.—In his 7th year, there was granted a subsidy of one 10th, and one 15th, besides the usual grant upon wools.—In his 9th year, he had one 10th and a half, with the same subsidy as in the last parl. for 2 years.—In his 11th year, the same tax was granted; and, in his 13th year, it was again repeated, with the addition of 6s. 8d. upon every owner of lands of 20l. a year clear estate.

*Price of Provisions in the Reign of Henry IV.*

In 1401, wheat very dear, at 16s. the quarter.—In 1407, a cow was sold for 7s. and her calf for 1s. 8d. Five bushels and a half of salt for 3s. 4½d. Two bushels of wheat for 10d. A thresher for a day's labour 2d. An ox sold for 13s. 4d. A new plough 10d. For 11 bushels of sowing wheat 5s. 10½d. For 18 bushels of sowing oats 4s. 6d. For a dung-cart and all materials 1s. 2d. For a pair of cart-wheels 3s. 2d. See Fabian's Chronicle. Kennett's Parochial Antiq. Fleetwood's Chronicon Pretiosum.

*Acts passed in the Reign of Henry IV.*

1 Hen. IV.—1. Confirmation of all Charters, and of all Liberties of the Church, and Statutes heretofore made and not repealed. 2. For the safeguard of them which came in with king Hen. IV. 3. Repeal of the Parliament in the 21st year of king Rich. II. 4. Confirmation of the Parliament holden in the 11th year of king Rich. II. 5. For restitution of those which were attainted in the 21st year of Rich. II. 6. Touching letters patents to be made by the king. 7. Touching liveries. 8. For relief of them that he put out of their lands by suggestion made to the king. 9. Confirmation of sales of forfeitures made by great officers of king Rich. II. 10. Touching offences made treason in the 21st year of king Rich. II. 11. How far sheriffs shall be charged with the ancient ferms of the county. 12. Confirmation of divers statutes, made for pulling down of wears. 13. Customers, controllers, searchers, &c. shall abide in their offices during the king's pleasure. 14. Touching the determination of appeals. 15. For redress of errors and misprisions in government in the city of London. 16. That Londoners be free of packing of cloths. 17. Aliens victuallers shall be free to buy and sell. 18. Touching process against such of the county of Chester, which commit felony in another shire. 19. Touching the duty upon cloths. 20. The king's pardon.

2 Hen. IV.—1. Confirmation of Statutes and Liberties. 2. An exposition of the statute of 1 Hen. IV. cap. 6. concerning gifts and grants to be made by the king. 3. Against provisions made by the court of Rome. 4. Prohibiting religious persons to purchase bulls from Rome. 5. Against the carriage of money out of the realm. 6. Flemish and Scottish money shall be turned into bullion. 7. Touching non-suits after verdict against the plaintiff. 8. The fee of the cyrographer of the common pleas for a fine levied. 9. For discharge of commissions awarded in the time of king Richard. 10. For fees of the clerk of the crown of the king's bench. 11. Touching the jurisdiction of the admiral court. 12. Welchmen shall not purchase lands, nor bear office. 13. The pardon made the 21st of king Rich. confirmed. 14. For purveyors. 15. The orthodoxy of the faith of the church of England asserted, and provision made against the oppugners of the same; with the punishment of heretics. 16. For the punishment of thefts and other disorders of Welshmen. 17. For the present execution of Welshmen committing felonies in England. 18. For keeping guards in the castles in Wales. 19. Touching Englishmen convict by Welshmen in Wales. 20. That Welshmen shall not purchase lands in England. 21. Touching liveries. 22. Touching suits contrary to the statute 11th Rich. II. 23. For the fees of the marshal of the marshalsey of the king's house. 24. For discharge of process made against them that were in the king's wages with the duke of York, 23 Rich. II.

4 Hen. IV.—Confirmation of the Liberties of the Church, and of Cities, Boroughs, and Towns franchised, of the Great Charter, and the Charter of the Forest. 2. The words *insidiatores viarum et depopulatores agrorum*, shall not be put in any indictments, &c. 3. Touching clerks convict. 4. The king shall not grant revenues of the crown without deliberation. 5. That the sheriffs be resident within their bailiwicks. 6. For sealing of cloths. 7. Touching actions against the takers of the profits of lands. 8. In what cases a special assize is maintainable against a desseisor with force. 9. For discharge of commissioners distrained to return commissions. 10. For coining of halfpence and farthings. 11. For granting commissions for pulling down wears and kiddels. 12. In appropriation of churches there shall be provision made for the poor of the parish, and the vicar. 13. Confirmation of the statutes, 1 E. III. c. 5. and 25 E. III. c. 8. touching service in war. 14. For retaining labourers. 15. That merchants aliens bestow the money which they receive within the realm, upon merchandizes of the realm. 16.

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Against carriage of money or plate out of the realm. 17. Infants not to be received into the order of friars, without the consent of their parents. 18. For punishment of an attorney found in default. 19. No officer of a lord of a franchise shall be an attorney in the same. 20. For customers and comptrollers to be resident upon their offices. 21. For the office of searchers, and that they execute their places in person. 22. For remedy of incumbents put out by the king's presentees. 23. Against examination of judgments given in the king's courts. 24. Touching Aulnage of cloths. 25. Touching hostellers and victuallers. 26. That Englishmen be not convict by Welshmen, nor marry with Welsh women. 27. There shall be no wasters, vagabonds, &c. in Wales. 28. Against congregations of Welshmen. 29. Against bearing armour in Wales. 30. Against sending armour or victuals into Wales. 31. That Welshmen have not the keeping of any fortresses or castles in Wales. 32. Welshmen shall not bear certain offices in Wales. 33. Castles and walled towns in Wales shall be kept by Englishmen. 34. Englishmen married to Welsh women shall bear no office in Wales. 35. Concerning tanners and shoemakers.

5 Hen. IV.—1. For the forfeitures of the lands of sir Henry and sir Thos. Piercie, and other traitors. 2. Touching charters of pardon to be granted to approvers. 3. For watch to be kept upon the sea coasts. 4. Multiplication of gold or silver made felony. 5. Cutting out of tongues, and putting out the eyes of the king's subjects, made felony. 6. The penalty for making assault upon any servant of a knight in parl. 7. For the well intreating of merchant strangers. 8. In what cases the defendant may be allowed to wage his law, or plead to an inquest. 9. For keeping of gold and silver within the realm. 10. That justices of the peace imprison men in the common gaols only. 11. For paying of tithes by farmers of alien lands, although the lands be seized in the king's hands. 12. Execution may be awarded upon a statute merchant, after it is once shewed in court. 13. What things may be gilded. 14. For inrolling of writs, whereupon fines are levied. 15. The king's pardon.

6 Hen. IV.—1. Touching first fruits of bishopricks. 2. Touching letters patents to be made to the queen and the king's sons. 3. Commissions shall be sent to inquire of the accompts of sheriffs and other officers. 4. Touching the selling merchandizes by merchants aliens.

7 Hen. IV.—1. Confirmation of Liberties and Statutes not repealed. 2. For establishing the inheritance of the crown. 3. The rolls of estreats shall be made certain. 4. Against gaolers suffering prisoners to escape. 5. For the forfeiture of the lands of the earl of Northumberland and the lord Bardolfe, attainted of treason. 6. Against purchasing bulls to be discharged of tithes. 7. For the true making of arrow-heads. 8. Against pardons to benefices full of an incumbent. 9. Cloths and merchandizes may be sold in gross, as well to any of the king's subjects, as to the citizens of London. 10. For the measure of woollen cloths. 11. Commissioners shall be discharged by their oaths from certifying of commissions. 12. For the forfeiture of the lands of John earl of Salisbury and sir Tho. Blunt, and others, attainted of treason. 13. Impotent persons, that be outlawed, may make attornies. 14. Concerning livery and retainers. 15. The manner of the election of knights of shires for the parl. 16. Touching payment of annuities granted to the king's servants. 17. For taking of apprentices. 18. An indemnity for the suppressing the late riots.

9 Hen. 4.—1. Confirmation of Liberties and Statutes not repealed. 2. Touching the sealing of Kendal cloth. 3. Touching felonies in South Wales. 4. Touching disclaimer in felonies in Wales. 5. Remedy where lords of ancient demesnes, or mayor or bailiffs of liberties, be named disseisers, to take away their franchise. 6. Repeal of a statute made 7 Hen. IV. c. 10. touching the length and breadth of cloths. 7. Goods shall be chargeable for the payment of the quintzine, where they were at the time when the same was granted. 8. For free elections, and against transportation of money. 9. Elections to spiritual promotions shall be free, and not interrupted by the pope or the king. 10. A pardon granted by the king to all that have purchased provisions or translations to archbishopricks, &c.

11 Hen. IV.—1. The penalty on a sheriff for making an untrue return of the election of the knights of parl. 2. No common hostler shall be customer, comptroller, or searcher. 3. Touching amendment of records after judgment. 4. Against labourers using unlawful games. 5. For the abolishing of galley halfpence. 6. Touching the Aulnage of cloths. 7. Merchant strangers shall pay custom for cloths cut in small pieces. 8. Touching exchanges of money by merchants. 9. Against taking inquests not returned by the sheriff.

13 Hen. IV.—1. Confirmation of Liberties and Statutes not repealed. 2. Touching justices of assise and gaol-delivery. 3. Confirmation of statutes made against liveries and retainers. 4. Confirmation of statutes touching aulnage and measuring of cloths. 5. Customers and other officers to be resident upon their offices. 6. Abolishing of galley halfpence. 7. Justices of the peace and sheriffs to arrest such as commit riots or routs, and to inquire of them and record their offences.

## HENRY V.

Henry V. began his reign March 20, 1413, the day of his father's death, and was proclaimed on the next, with the usual ceremonies. We are told by Walsingham, a cotemporary historian, and an ancient manuscript

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chronicle of this king's life, that the late king had summoned a parl. to meet at Westminster, March the 24th this year, which was four days after he died. That being met accordingly, they gave an extraordinary testimony of their entire confidence in the new king, by an address to him from both houses, wherein they offered to swear allegiance to him before he was crowned, or had taken the customary oath to govern according to the laws. The king gave them thanks for their good affections to him, and exhorted them to employ all their power for the good of the nation, in their several places and stations. He told them, "That he began his reign by pardoning all that had offended him; and, with a sincere design for his people's happiness, said, that he would be crowned on no other condition, than to make use of all his authority to promote it. And prayed to God, that if he foresaw he was like to prove any other than a just and good king, he would please to take him immediately out of the world, rather than seat him on the throne, to be a public calamity to his people."

*A Parl. called.*] Dugdale has given us the form of a writ directed to Thomas abp. of Canterbury, dated March 22, 1413, for calling of a parl. The reasons given in the said writ of summons were these. "That the king, by the advice of his council, had determined to hold a parl. 3 weeks after Easter next following, in order to consult and treat with the bps. and other prelates, the lords and commons, concerning the state and safety of the nation. The abp. was therefore commanded, as he had any regard to the king's honour, or the safety and defence of the kingdom, to be present at the sessions, and to give notice, to the prior and chapter of the church of Canterbury, to the archdeacons and all the clergy of that diocese, that the prior and archdeacons should come in their own persons to parl. and that the chapter should send thither one fit proctor, and the clergy two distinctly appointed, with power to consent to what should be enacted by the general council of the nation." The like writs were directed to other bps. abbots, and priors, to Wm. Gascoign lord chief justice, to Edw. de Courtenay earl of Devonshire, and others of the nobility.

On the day appointed, May 15, the parl. met at Westminster; when the king, sitting on his throne, and the other estates of the realm attending, the bp. of Winchester, the king's uncle, and lord chanc. made a speech to them, wherein he first declared, "that this parl. was called, in order that the church, with all corporations and persons, should enjoy their accustomed liberties, and also for a general consultation." The Latin sentence he chose for his theme was, *Ante omne actum consilium stabilire*: he told them, "that the king desired to consult with them on several accounts, for the competent support of his royal dignity; the due execution of good laws and govt. of the nation; the encouraging his allies and subduing his enemies. And, that they might more effectually go about these weighty matters, he urged the commons to choose their Speaker, and present him the next day to the king."

*W. Stourton, Esq. chosen Speaker.*] Then the receivers and triers of petitions were appointed; and the day after, the commons presented William Stourton, esq. who was allowed.—May 22, the commons came before the king and lords, when their Speaker declared to his maj. that in the time of his father, many fair promises were made for the observation of the laws, but nothing done in them; whereupon he prayed the king for the due execution of them; and particularly mentioned a late riot against the abbot of Cirencester, which he desired might be punished. The Speaker was commanded to exhibit the same in writing, that the king might the better consider of it.—May 25, John Dorewood, esq. and others of the Commons, delivered to his maj. a scheme for providing for the defence of Ireland, the marshes of Wales, and of Scotland, of Calais, the dutchy of Guienne, for safe guarding the seas, for furnishing out a fleet, and for raising sufficient forces to repel any invasion.

June 3, the commons again attended the king in the house of lords; and their Speaker being rendered by sickness unable to serve, they presented the said John Dorewood, who had the king's approbation.

*The King pays his Father's Debts.*] And whereas annuities were to be paid to several persons by letters patent, it was enacted, "that the king, for the support of his charges, should yearly receive 10,000*l.* and the remainder should be paid according to the rate." And whereas Henry V. had by his last will given all his goods and chattels to discharge his debts, and for the payment of certain legacies; and had made Henry abp. of York, Tho. bp. of Durham, John Pelham, Rob. Waterton, and John Laventhorp, executors; and had appointed the king and abp. to be overseers of this testament; but the goods falling short, the abp. of Canterbury, as ordinary, ought to have the administration of the said goods and chattels; therefore, that they might not be put up to common sale, the king took possession of them, and granted the sum of 25,000 marks, the value of these goods, to be paid out of the wardrobe in 3 years to the executors, and discharged them of all executions by the same will, which should be over and above the last-mentioned sum.—The Commons petitioned the king, "that the statute made in the fifth year of Henry IV. for the regulation of Aliens, might be observed." Which the king granted, saving his prerogative.—The Commons, with the assent of the bishops and lords, granted to the king the like subsidy on staple-ware, tunnage, and poundage, for 4 years, as they had given to his father in the 13th year of his reign.

*Act against Provisors from Rome reinforced.*] In the 25th year of Edw. III. an act had been made for maintaining the right of

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the English kings to confer ecclesiastical preferments and benefices: it was reinforced and confirmed afterwards by two others, one made in the 13th of Rich. II. the other to the same effect in the 2nd of Henry IV. forbidding all persons to accept any vacant bishoprics, or other church benefices, from the popes of Rome, or any other than the king, under penalty of banishment, and forfeiture of lands and goods to the crown. And now by this parl. it was enacted, "that all these statutes made against Provisors from Rome should be strictly observed."

*Petitions of the Commons.*] The commons presented a large complaint of the many oppressions with which the ordinaries aggrieved the people in the proving of Wills, and the like; and of the abuses they committed by punishing Fornication and Adultery with pecuniary penance; and petitioned the king, that these grievances might be redressed; whose answer was, "that he would give orders to the bps. to rectify them; and if they neglected it he would do it himself."—They likewise petitioned, that costs might be allowed to the knights and burgesses summoned to parl. in the 14th year of Henry IV. though nothing was done in that session. The king replied, "that if upon view of the records any the like precedents could be found, allowance of their fees should be made."—They also petitioned, that the Grounds set out by the Perambulations of Edward III. might be entirely disforested. To which the king answered, "that such as had just complaints against the charters of the forest should be heard."—And when the commons farther asked of the king a declaration for surcharging of sheriffs, and petitioned that they might be allowed upon their oaths in the exchequer; he promised, "that upon the sheriffs coming before the council and the barons of the exchequer, they should find remedy."—To another petition, desiring that no barge, ship, boat, or other vessel, going on any river, be taken for a deodand, if a person accidentally falling out of it be drowned; the king replied, "that he would take advice about it."—The like answer he returned to a Petition offered in favour of merchants, that they might freely bring into the nation their goods of Arras, and all other merchandize but that of the staple; and paying their due customs, might sell the same as they pleased to all men, the Genoa merchants excepted.

*Several Acts passed for the benefit of the Nation.*] In this parl. many laws were enacted to render the nation rich, flourishing, and prosperous. It was enacted, "That all Aliens should depart the kingdom; and that all such merchants aliens as remained should live in English families, on pain of imprisonment at the king's will; also that all the Livings of Priors aliens (besides some which they excepted) should be seized for the king's use."—By another act it was ordained, "That every Juror in all Inquisitions should be questioned upon his oath, whether he, or any other, had received any thing for his use, as to the process of the business; and that upon conviction by his oath he should be tried."—An act was made about the Election of persons to serve in parl.; by which it was appointed, "that none should be chosen knights of the shire who were not resident in the county on the day when the writ of summons was dated; nor any be chosen burgesses, but such as were citizens or townsmen and freemen, dwelling in the cities and towns where they were elected."—Another act passed to enforce the observing of some former statutes about the removing or straiting wears, mills, stanks, stales, and kydels, which were a nuisance to the rivers.—Another against the Forgers of false deeds, ordaining, "That the aggrieved party should have his suit, and recover damages: and that the person convict should make fine and ransom at the king's pleasure."—By another, provision was made against the abuses that arose from the continuance of the officers of sheriffs, such as under-sheriffs, clerks, receivers, and bailiffs, in their places, from year to year, or from their interchangeable removal out of one office into another. It was enacted therefore, "That those who should be Bailiffs or Sheriffs for one year should bear no such office for 3 years following, excepting bailiffs of sheriffs, which are inherite in their office; and that no under-sheriff, sheriff's clerk, receiver, or bailiff, should be attorney in any of the king's courts during their being in any such office."—By another act it was ordained, "That in every original Writ of Actions personal, appeals, and indictments, additions should be made of the estate, or degree, or mystery of the persons, and of the counties and towns where they dwelt."—And whereas the friends and kindred of those rebels that were slain in the late commotions in Wales, in the former reign, endeavoured to revenge their blood by quarrels and insults on the king's faithful subjects, by indictments, or impeachments, or threatenings of vengeance. It was therefore ordained by another statute, "That no such quarrel, action, or demand be made, on penalty of paying to the injured person treble damages, and of two years imprisonment after the conviction."—There were complaints also of neglect in executing the law made in the 13th Rich. II. forbidding any Alien Frenchman to have or enjoy any benefice within this nation, and requiring their departure out of the nation by a certain time limited; and that when any benefices became vacant by the departure or death of the priors, aliens, or others, Englishmen should be put in. The commons represented, "that contrary to this act, Alien Frenchmen did purchase the king's letters patents to be denizens, that they might enjoy the benefices which they did accordingly possess, to the great damage of the kingdom, by carrying away its treasure, and betraying the king's counsels to his enemies." The king considering these mischiefs, passed an act to enjoin the



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strict observance and execution of the former; also for clearing the nation of these Priors Aliens, those who were conventual, and those who had institution and induction, only excepted, on condition that they be catholic, and find surety not to disclose the counsels and secrets of the realm.—Great disturbances were produced by the coming over into England of considerable numbers of Irishmen, and begging priests, who were called Chamber-Deacons: therefore, for the establishment of the quiet here, and to re-people that forsaken kingdom, it was ordered by parl. "that they should depart before the 1st of Nov. on forfeiture of their goods, and imprisonment at the king's pleasure."—There was another complaint exhibited, "that whereas all the revenues, profits, fishing customs of the town and marches of Calais had been appointed by Edw. III. and Rich. II. to be levied by the treasurer of Calais, to satisfy the charges necessary for its defence, these revenues had been diverted from their intended use in the former reign, and bestowed by letters patents on several captains and other persons." An act was passed to revoke all these patents and grants, and to appropriate the revenues and profits of that town to their first purpose.

*The Clergy stir up the King to prosecute sir J. Oldcastle as a Favourer of the Lollards.*] Whilst the parl. sat at Westminster, the convocation of the Clergy, according to the usual custom of those times, was assembled at st. Paul's. Thos. Arundel, abp. of Canterbury, being sensible how zealous the king was for the church, thought this the fittest opportunity to root out those heretical doctrines, which had long been a grievous thorn in the sides of the clergy. He hoped that the king's youth and natural courage, concurring with his religious inclination, would more earnestly engage him in a work, by which he might merit, at once, both the favour of God and of his people. By the help of 12 inquisitors, which the prelate had sent out the year before, he had collected a large bundle of accusations, which were afterwards digested into no less than 246 Articles, against the principles and doctrines of the Lollards. On the canvasing of these, in convocation, it was, at length, decreed, "That it would be impossible to extirpate the doctrines of Wickliffe, unless certain great men, who were the protessed abettors and maintainers of them, were taken off. That sir John Oldcastle, lord Cobham, being the chief of them, should be first dealt withal; and that, without delay, a process should be issued out against him, as a most notorious heretic." And, because the said lord was in great favour with the king, for his conduct and valour, it was thought adviseable to acquaint his maj. with their designs, and the just occasion of them; that, having obtained his leave, their proceedings might be more successful, and give less offence. These things being settled in convocation, an accident happened, which gave the Clergy a much greater handle to work the downfal of these new reformers; who, being openly abetted by some, but secretly by many more, great men, who wanted to be sharing the Revenues of the church amongst them, were become exceeding dangerous to the clergy. And, in the very first year of this king an insurrection of these reformers began in and about London, headed by sir John Oldcastle and others, which might have proved of ill consequence, had not the king himself, by his vigilance and conduct, suppressed it. This unadvised step of the Lollards gave the young monarch a warm resentment against them, and made him judge that their principles were equally destructive to church and state.

*A Parl. called.*] A parl. was called to meet at Leicester on the 30th of April, 1414. The first act that we find to be done at it, was a very severe statute made against the followers of Wickliffe's doctrine, whereby it was enacted, "That whoever read the scriptures in English, which was then called 'Wickliffe's Learning,' should forfeit land, cattle, goods and life, and be condemned as hereticks to God, enemies to the crown, and traitors to the kingdom; that they should not have the benefit of any sanctuary, though this was a privilege then granted to the most notorious malefactors; and that if they continued obstinate, or relapsed after pardon, they should first be hanged for treason against the king, and then burned for heresy against God."

*Another attempt of the Commons against the Revenues of the Clergy.*] But, notwithstanding this act against the Lollards, it was in this parl. at Leicester, that the storm which had long been raising against the Clergy, had like to have broke out to some purpose; had not the wit and policy of Henry Chichely, then abp. of Canterbury, who succeeded Arundel, averted the danger. The Commons had again put the king in mind, of what had been desired in parl. 4 years before, relative to converting the lands and possessions of the Clergy to the service of the state. "This bill," says Hall, "made the fat abbots to sweat; the proud priors to frown; the poor priors to curse; the silly nuns to weep, and, indeed, all her merchants to fear that Babel would down." For, at this very time the Clergy were more apprehensive of their danger than ever, since they knew not what the active and bold spirit of a young prince, agitated by counsels which had a natural tendency to increase his own greatness, might produce against them. They once thought of fixing the king in their interest, by the voluntary present of a large sum of money; but, some of the wiser bps. considering that such an appearance of bribery would be indecent for persons of their character, and expose them to the hatred and scorn of the people, this proposal was rejected.

*The Clergy prompt the King to a War with France.*] And as it had been concluded, in the last synod at London, that the most effec-

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tual course to avert the impending storm, was to find the king some other business to employ the vigour of his courage, which might otherwise prove dangerous to them; it was therefore judged necessary to turn his thoughts to war; and to rouse his ambition by reminding him of the crown of France, descended to him from Edw. II. one of his royal progenitors. By a representation of the just right the king had to that claim, it was hoped his enterprising spirit might be stirred up to demand the crown of France, as the undoubted heir, and, upon refusal, to attempt the recovery of it by arms. And, to make these counsels more prevalent, they, also, agreed to make an offer of a great sum of money to supply the necessary expences of the war. Also, to give up all the alien priories in the kingdom, to the number of 110, who were possessed of lands that would considerably increase the revenues of the crown.

*The Abp. of Canterbury's speech in favour of the said War.*] These resolutions were soon after put in execution; for, we are told, that in this very parl. at Leicester,

The Abp. of *Canterbury* rose up, in the house of lords, and addressed the king in words to this purport (*a*):—"We all know, great sir, with what royal wisdom and care you have established the peace and prosperity of your people, and we all enjoy the blessings of your excellent govt.: but while your designs and actions have been directed to our common good, we have not done any thing for the increase of your empire; and among all the debates in this hon. assembly to make laws for the security of the subjects liberties and privileges, we have neglected to consider how we may advance the greatness of our king, and in him that of our country too. Now, since I owe all my fortune to your favour, gratitude, as well as the duty of a subject, obliges me to propound what I think may promote the honour of so gracious a sovereign, and enlarge his power. You administer justice to your people with a noble equity, you are illustrious in the arts of a peaceful govt.; but the glory of a great king consists not so much in a reign of serenity and plenty, in great treasures, in magnificent palaces, in populous and fair cities, as in the enlargement of his dominions; especially when the assertion of his right calls him out to war, and justice, not ambition, authorizes all his conquests. Your maj. ought to wear the crown of France by a right descending to you from Edw. III. your illustrious predecessor. That valiant king openly challenged his right by ambassadors, and when the French endeavoured to elude it by a pretended Salick law, he bravely attempted to conquer by arms what he could not obtain by a just treaty. You have the same title to demand that crown, and the same reasons to make war, upon a refusal. I doubt not but they will oppose their imaginary Salick law in like manner against your claim; but I know very well, that as they contradict themselves in assigning the original of this law, so if it were granted that there is such a one, yet France is not concerned in it. It is in vain to tell us, that it was made by Pharamond the founder of their monarchy, as if he could be the founder of a law which had no name nor being till above 400 years after his death: for then it was that Charles the great returning from the conquest of Saxony, part of his army passed the Sala, and seated themselves between that river and the Elb, and from the name of the former were called Salique Gauls. This new colony detesting the vicious manners of the German women, made a law, that none of that sex should inherit lands within the bounds of their little govt. But what is all this to France? How will the French persuade us, that by virtue of this law the crown of that kingdom must not descend to any daughter of their kings, if they do not first prove their country to be situated between those two German rivers? but though all were true, which they report of this boasted law, yet why should they use it as an argument against the right of our kings, when they never made it any bar in the succession of their own? Pepin, who by deposing Childeric III. mounted the throne, was acknowledged the next heir as descended from the princess Blithilda, daughter of Clothair the first; and Hugh Capet, who usurped the crown from Charles duke of Lorain the next male heir, to give himself the colour of a title, asserted that he sprung from the princess Lingarda, the daughter of Charlemaign. Thus Lewis IX. too, whom they honour as a saint, neglecting the precarious title of Hugh Capet his grandfather, could sufficiently satisfy his conscience and the nation by deriving his right from queen Isabella his grandmother, as descended from the princess Erningarde, daughter and heir of Charles duke of Lorain, whom Hugh Capet had deprived of his kingdom and life. But were it certain that this Salick law had from the beginnings of the monarchy been established and inviolably observed in France, yet what obligation can a law have, which is contrary to the commands of God, and the customs of all other nations, and so offends against all the rules of justice and reason? God declares, that if a man dies without sons, the inheritance should descend to the daughter: and there never was a law among any people in the world, which excluded the daughters from the rights of children. The French alone violate the statutes of heaven, and slight all the laws that are in force on earth, that they may devolve the right of their crown on whom they please. But it is your undoubted right, my sovereign, and all the powers of France will be too weak to oppose your possession, if you do but resolve to vin-

(*a*) These speeches in parl. are all printed, at length, in Hall's Chronicle, fol. xxxvi. &c. and are but modernized by Mr. Goodwin. See, also, Hollingshead, p. 545. Biondi, p. 104, &c. Speed's Chron. p. 626.

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dicate it. Consider therefore the just title which you have to this crown, devolved on you by queen Isabella, your great grandmother, sister and heir to three successive kings of France, who died without children, and take up noble arms to assert so just a cause! advance your standard into France, and with assured hopes of victory march to conquer those dominions which are your own by inheritance! there is no true Englishman but is ready to devote his life and fortune to so glorious a service of his king. And in full persuasion of the justice of the war, we the clergy have given such a sum of money to maintain it, as was never granted to any of your predecessors, and will join all our prayers for the success of your arms."—When the abp. had ended,

Nevil earl of *Westmoreland*, high-warden of the marches toward Scotland, apprehending that the country committed to his govt. would be exposed to the incursions of that nation, if the king should draw his forces out of England for this expedition, thus spoke to dissuade the war:—"Though I freely acknowledge myself of the same mind with my lord the abp. as to the glory that will be gained in conquering France, and the advantages that may arise from the acquisition of such a flourishing kingdom; yet I cannot but advise, that our arms should be first turned on Scotland, that by subduing that people to the English dominion, the whole island may be brought under one govt. When all our strength and forces shall be united, when there shall be no enemies to disturb us within the bounds of this our noble world, separated from the other by the ocean, then will be the proper time to consider of foreign conquests, and how we may extend the English empire abroad, which, while we are unsecured at home, we cannot attempt with any reasonable hopes of success. It has therefore been the constant practice of wise governments, who have prospered in enlarging their dominions, first to subdue those people which bordered on them, before they advanced their arms against the more remote. By this method were the Assyrian, Persian and Grecian monarchies raised to such height of power, that a great part of the world was forced to bow to them. Thus the Romans established a larger empire than any of the former; but they would have failed in the attempt, if they had invaded more distant nations, before they had subdued their neighbours: but when by conquering the Samnites, the Volsci, the Fidenates, and other people around them, they had made themselves intire masters of all Italy, they soon carried their victorious arms through most parts of the earth. But what need I argue from examples? It is reason sufficient against a war with France, that whenever to invade that kingdom we shall draw the strength out of our own, the Scots our ancient and inveterate neighbours will bring fire and sword into the bowels of our unguarded country. And to put this past question, I will only remind you of the old league between that nation and France, by which, if either of them are invaded, they are bound mutually to assist one another. We have found them so punctual to their agreement hitherto, that whenever we have transported our armies into France, the Scots have entered our country with dreadful devastations. If then we must have a war with either of these people, let it be with Scotland, where all things promise to us an easier victory, their king being an honourable prisoner in our court, and the unseasonable severity of the duke of Albany, who governs in his absence, having thrown that nation into dismal convulsions. But to invade France, what a vast army is necessary; what immense sums of money to raise and pay the soldiers, and what a prodigious fleet to transport them?—The earl having ended

The Duke of *Exeter* (*a*), the king's uncle, thus spoke in answer:—"If I did not know, that the most effectual course to destroy any mischief, is to cut off the root which feeds it; and if experience had not taught all of us that France is the spring which has nourished a perpetually growing enmity in the hearts of the Scots against us, I should advise that the French might be the last with whom we make war. But since they have always been industrious to render Scotland an irreconcileable enemy, and to foment in the minds of that nation a fierce hatred and desire of revenge; since they have on all occasions stirred them up to invade us, and by their assistance have enabled them to do so; it is certainly the best counsel, that by a vigorous war upon France we should strike at the head of all these mischiefs: for if that kingdom be conquered, either the Scots will no more be our enemies, their hatred being no longer kept alive and cherished by the old fomenters of it: or if they refuse to incorporate into one people with us, yet destitute of succour from that nation, they must, without any lasting war, submit to our power. How will they be in a condition to fight us, when they shall want arms to put into their soldiers hands, or officers to lead them, all supplies from France being cut off? And whither shall they have recourse for aid, when that people is subdued by us? Not to Denmark, whose king is brother-in-law to ours; not to Portugal and Castile, for the kings of both those nations are allied to our sovereign; not to Italy, at so great a distance; not to Germany or Hungary, which are in league with us. Let us then begin the war with France, since we shall conquer two nations with one victory: and since a rich, fruitful and pleasant country will be the reward of the conqueror. What though the Scots may invade us, when our king with his army is absent? Their incursions surely will not be so dangerous, but that the earl of Westmoreland,

(*a*) Hollinghead, Biondi, &c. call him so: but he was then only earl of Dorset, though created duke afterwards.

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who is warden of the marches, with a few select troops, will be able not only to make head against them, but to give them a repulse."

The duke's arguments prevailed with the king and his brothers, who being all young and ardent of glory, were impatient to signalize their courage against the old enemies of their country: and the same gallant spirit diffusing itself through the minds of the other nobles, they all declared for a War with France; which being thus resolved on, the parl. was prorogued.

*A new Parl. called.*] By writs bearing date Sept. 26, a new parl. was summoned to meet at Westminster, Nov. 19, 1414. The following is a List of the

*Peers summoned to this Parliament.*

| | |
|---|---|
| Tho. d. of Clarence, and e. of Albemarle | Thomas, lord Morley |
| John, d. of Bedford, and e. of Kendale | Hugh, lord Burnel |
| Humphrey, d. of Gloucester, and e. of Pembroke | Tho. lord Berkley, of Berkley |
| Edw. duke of York | John, lord Welles |
| Rich. e. of Cambridge | Ralph, lord Cromwel |
| Edw. Courteney, earl of Devonshire | Ralph, lord Greystock |
| Tho. earl of Arundel | Thomas, lord Dacre, of Gilsland |
| Edmond, e. of March | Rob. lord Harrington |
| Rich. Beauchamp, e. of Warwick | Rob. lord Willoughby |
| Rich. de Vere, earl of Oxford | John, lord Lovel, of Tichmersh |
| Tho. e. of Salisbury | Richard, lord Grey, of Codonore |
| John, earl-marshal | Reginald, lord Grey, of Ruthyn |
| Tho. earl of Dorset | Peter, lord Mauley |
| Michael de la Pole, earl of Suffolk | William, lord Zouch, of Harringworth |
| Ralph Nevile, earl of Westmoreland | Thomas, lord Camois |
| Edw. lord Charlton of Powis | Wm. lord Botreaux |
| William, lord Clinton | John, lord Latimer |
| Tho. lord de la War. | Richard, lord Strange |
| Henry, lord Scrope of Masham | Robert, lord Povnings |
| Henry, lord Fitzhugh | Gilbert, lord Talbot |
| W. l. Ferrers, of Groby | John, lord Clifford |
| | John, lord Talbot, of Furnival |
| | No lord-warden of the cinque-ports in this list |

On Nov. 19th, the parl. met, and the king being seated on his throne, in the Painted Chamber; by his command, the bp. of Winchester his uncle, and chancellor of England, opened the session by a speech; wherein he declared, "That his maj. would, that the church, with all corporations and persons, should enjoy their former liberties. That the king not only endeavoured to govern the realm wisely, but he was also strengthening himself to recover his due inheritance, which, though belonging to, yet had been a long time withheld from his crown; which claim he was resolved to prosecute even unto death. And for the attempting such a mighty exploit, great provision was required." Then taking for his subject, *Dum tempus habemus operamur bonum;* he inferred from thence, "That to every natural disposition two kinds of times, or seasons, were limited; for instance, as to trees, one time of growing, and another time of blossoming and bearing fruit; to man, one time for labour, and another for rest; to princes, the heads of men, a time for peace, and another for war. That the king finding his people in great ease and peace, had therefore the better opportunity to attack the enemy; to which he applied, *Dum tempus.* That to such an high and noble enterprize, some things were absolutely necessary, as good advice, obedience of his subjects, and a chearful relief from them. That they ought to grant a larger subsidy, considering that their prince and only patron, would go in person against the enemy, and freely expose his life to all the dangers of the war; and concluded with desiring the commons to choose a Speaker, and present him the next day to the king."

*T. Chaucer, Esq. elected Speaker.*] Accordingly, the commons elected Thomas Chaucer, esq. to be their Speaker, and presented him in the usual form. They then proceeded to consider of the Supplies, and by the assent of the bps. and lords granted to the king two whole 10ths, and two whole 15ths to be levied on the laity. It was enacted likewise, "That the king by his council, should have power to make ordinances concerning the Coin, which should continue till the next parl."

*Henry Percy restored to his Title and Estate.*] Henry Percy, grandson of the late earl of Northumberland, and son to Henry Hotspur, slain at the battle of Shrewsbury, being now of age, and a prisoner in Scotland, presented his declaration to the parl. in which he shewed that the king had restored him to the honour which his father had forfeited by his rebellion, and had made him earl of Northumberland: he therefore required a general restitution to it in blood, and that he might be restored to all the hereditaments which were intailed, with free entry in all of them, reserving to the king the lands of fee-simple. The king granted all to him, on condition that before his entry into any of the said lands, he should, by matter of record in chancery, prove the lands intailed: and his maj. appointed sir Robert Umfreville to treat with the Scots about Percy's delivery, who, by the earl of Northumberland his grandfather, had been left with them as an hostage. He confirmed also to John duke of Bedford, and to his heirs male, the castle, earldom, honour, and seigniory of Richmond, which Ralph earl of Westmoreland held during his life.

*The French War prosecuted with great vigour.*] The king had been sufficiently moved with the reasons given in the parl. at Leicester for making his claim to the crown of France, and his great courage and spirit now spurred him on to attempt the conquest of that kingdom, if his demands were not accepted. The Subsidies granted by the clergy and laity, to enable the king to begin this great enterprize, amounted, in the whole, to a very large sum;

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and, if we may believe an old historian, to no less than 300,000 marks sterling. By which means great levies of men were made, successfully, in all parts of the kingdom.—But, to gain a more specious pretence for war, it was necessary first to offer peace; though upon such terms as Henry knew well enough would not be accepted. There had been some time before a treaty of marriage set on foot between this young monarch and the princess of France, who is said to have been a paragon of beauty; but now Henry much enlarged his demands with the princess; and by his ambassadors to the court of France, insisted on a restitution of all those provinces, which his predecessors had ever enjoyed in that kingdom. However desirous the French court was of an alliance with England, and marrying their princess to a young and potent king, yet the restoring these provinces, was a very disagreeable article, and could never be reconciled to their politics. Accordingly, all treaties of peace were broken off upon it, and the king of England made mighty preparations, both by sea and land, to invade France, and assert his right to that kingdom by the *ratio ultima regum*.—To Goodwin, the particular writer of this king's life, and to the more general historians, we must refer for a description of the glorious exploits performed by this magnanimous hero in France.

*A Parl. called.*] After Henry's return to England, and his triumphant entry into his capital of London, he presently called a parl. the writs for which were dated Jan. 21st, 1415, and returnable the 16th of March following. On which day the parl. met at Westminster, when the king sitting in his royal throne, in the Painted Chamber of the palace, commanded the bp. of Winchester, still lord chanc. to open the cause of the summons; who, in the presence of the three estates of the realm, first made the usual declaration, that it was the king's royal will and pleasure that the church and all other persons and corporations should enjoy their liberties, and then took for his text, *Vobis Viam*, &c.—In discoursing on which he endeavoured to demonstrate, "That a thing well begun and continued with diligence, must have a prosperous event, according to the saying, "*Dimidium facti, qui bene cæpit habet.*" This he applied to the king's successes, who had made so glorious a beginning, by invading France to recover his right, and an inheritance derived from his ancestors; who had pursued his gallant enterprize in a continued course of victory, by the conquest of Harfleur, and the defeat of the French, in a general Battle at Agincourt. That it being only peculiar to divine wisdom to foresee the end and event of all things, he entirely referred that to God; with great hope of success from so prosperous a beginning. Which, that the king might be enabled to obtain, he had called this parl. for their good counsel and assistance."

*Sir W. Beauchamp chosen Speaker.*] The Commons, retiring to their house, chose sir Walter Beauchamp, knight, for their Speaker; who being allowed, they next, with the assent of the bps. and lords, appointed that the 10ths and 15ths granted last parl. should be paid sooner than was ordered. By the same authority, it was enacted, "That, considering the damnable schism between the two popes at Rome, all bps. elect, and other persons, should be confirmed by their own Metropolitans, upon the king's writ, without farther excuse or delay."

On the 8th of April, the king prorogued the parl. to Monday in the third week after Easter; when being again assembled, the chanc. told them the reason of the said adjournment, was not only on occasion of the devout time, but that an honourable peace had been offered by the French, and that the emperor Sigismund was the mediator in it; in which the commons were desired to give their advice. But, though this is here mentioned in the Records, they give us no farther account about it.

*Petitions of the Commons.*] The following are the most remarkable Petitions in this parl. —P. That all sheriffs, for the fees of knight coming to the parl. might enter into all liberties, except the demesnes of all lords, and such towns as find burgesses. A. The statute made 12th Rd. II. should be kept.—P. That all sheriffs might be discharged in the exchequer upon their oaths. A. The king will be advised.—P. That all owners of ships, during the time of their being in the king's service, might have 3s. 4d. in the tun above the ordinary freight. A. The king would do according to reason.—P. That all men might go to the parts of Iceland to fish freely, as they used to do. A. The king will take advice.—P. That all the ordinaries through the kingdom might, by an assigned day, enquire, and certify in to chancery, the foundations of hospitals, with all circumstances, that redress might be made in this business. A. The statute made at Leicester, 2d Hen. V. shall be observed.—P. That the king's purveyors do take 8 bushels of corn only to the qr. striked; and that they take up no provision in the market, without the good will of the party, and ready pay. A. The statutes made for that purpose shall be kept.—P. That some remedy might be found for the relief of the poor clergy, much wasted, because the universities swarmed with new learning, by reason of the statute of provisors, which caused the old faith to be neglected. A. At the king's motion, the bps. promised to provide a remedy for this business.—P. That the penalty of suffering any prisoner to escape, who was guilty of counterfeiting, washing, or clipping money, might be 100l. A. The penalty shall be arbitrary as before.—P. That all writs of subpœna, and *certis de causis*, going out of the chancery and exchequer, might be controlled, and not granted in matters determinable at the common law, on penalty of the plaintiffs paying 40l. by way of debt to the defendant. A. The king will be advised.

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*Acts passed.*] It was also enacted in this parl. "That whereas several Bretons were come into the kingdom, either as spies, or to carry money and jewels out of the nation, all of them not naturalized, were, by act of parl. required to go out of the land, before June 24 ensuing, upon capital penalty."—And whereas provisions of benefices from the pope had been made use of, to exclude from the said benefices the Incumbents, who by the gift of the patron had long enjoyed them; it was therefore ordained by another act, "That no Incumbents should be molested under pretence of any such provisions of the pope; that whoever disquieted them, should incur the penalties contained in the Statutes of Provisors before named; and that they should be prosecuted by process of *præmunire facias* formed against them; and that the person who sued them should recover treble damages."—Another act passed, to make clipping, washing, and filing of Money, treason: and whereas, (by reason that it belonged only to the king's justices before himself, or by special commission assigned, to judge and punish this crime) it was so boldly and generally practised, that the destruction of all the Coin was unavoidable, if hasty execution and remedy were not provided: it was therefore enacted in another statute, "That the justices assigned to take assizes, in all the counties of England, should have power, by the king's commissions, to hear and determine in their sessions, all such causes concerning the debasing or falsifying the Coin of the nation."—And whereas, contrary to the custom in the days of Edw. III. when no more than half a crown, or a crown at the most, was paid for proving a will, the ordinaries did now take 40 or 50s. It was therefore ordained by another act, "that no ordinary should take above that old customary rate for the probate of any testament, upon penalty of forfeiting to the aggrieved person treble the sum so received." This statute was to stand in force only to the end of the following year. These acts being passed, and Henry, the grandson of Henry Percy, earl of Northumberland, who had so long been an exile in Scotland, and who, in the parl. held at Westminster, in the 2nd year of this king's reign, had been restored to his honours and lands, having now, in the house of lords, done homage to the king, sitting in his chair of state, this session ended.

*A Parl. called.*] Next year great preparations being made on both sides to carry on the war with vigour, Henry found himself obliged to call a parl. in order to raise Supplies for that purpose; and writs were sent out, dated at Sandwich, Oct. 9, 1416, just after the king's second landing from abroad, for one to meet at Westminster on the 19th of the same month; the pressing exigencies of the state requiring such a speedy summons. On the day of the meeting, the bp. of Winchester opened the session with the usual formalities, and after quoting for his theme this Latin sentence, *Operam detis ut quieti sitis.* He alledged, "that as God had in 6 days created all the world, and rested the 7th; so the king, agreeably to his coronation oath, had, in 5 former parliaments, endeavoured to establish good laws for just administration at home, and the securing of an honourable peace abroad. But that the French were so little inclined to comply with the reasonable terms offered them, that they refused to render the English prisoners taken at the Battle of Agincourt, or to ransom their own. That the king, provoked at the obstinate injustice of an enemy, who resolved not to do him right in any thing, was constrained to attempt the recovery of his own by force of arms. And since, said he, this is his majesty's just resolution, and that there is indeed no other way to bring his enemy to reason, *bella faciamus ut pacem habeamus, quia finis belli pax est;* he is determined to use violence, and purchase that peace with the sword which is not to be otherwise obtained." He concluded with telling them, that the king intended to make use of their counsel, and required them to choose and present their Speaker to him.

*Roger Flower, esq. elected Speaker.*] On the third day of the session, the Commons presented Roger Flower, esq. who was accepted; and to shew their great zeal for the cause the king was engaged in, with the consent of the lords, they granted two whole 10ths and two 15ths, to be levied on the laity; the clergy also granted two 10ths on their own body: but all this being not sufficient, or thought too dilatory for the king's pressing occasions, at the same time it was enacted, "that all persons who would lend any sums of money to the king, should have letters patent to be paid out of the first money raised by the subsidy;" and the dukes of Clarence, Bedford, and Gloucester stood engaged for the performance of this, in case the king should die: upon which many of the bps. and lords, whose names are in the Parl. Rolls, readily subscribed; yet all was so deficient, that the king was necessitated to pawn the crown to Henry Beaufort, bp. of Winchester, for a vast sum, and to borrow 1000 marks of the lord-mayor of London, upon the security of many rich jewels.

*An Act for a general Pardon, and others, passed.*] At this time his maj. was pleased to grant a general pardon for all crimes which did not concern life, or loss of members.—An act was also passed, "that all sheriffs should have allowance upon their accounts by oath." This had been petitioned for by the Commons in the former session.—Also, whereas by an act made 12 Rich. II. certain rates of annual wages for bailiffs and other servants of husbandry were settled, and a penalty ordained for any who gave or took more; by an act now it was established, "that the taker only should incur this penalty."—Another act ordained, that none of the Irish nation should be elected an abp. bp. abbot, or prior; and that whoever promoted such to those ecclesiastical preferments, or brought any such Irish rebels to parliaments, councils, and other assemblies

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among the English, should have all their temporal estates seized into the king's hands, till they had paid the fines due for such offences. —There was also an act of pardon, by which all forfeitures, fines, debts, and demands, not exceeding 26s. 8d. were remitted; and all trespasses, offences, conspiracies, &c. pardoned.—Besides these, and some other less remarkable acts, the league and alliance between the king and the emperor Sigismund was confirmed by the whole assent. And on the last day of the session, the king sitting on his throne in full parl. created Tho. Beaufort, who was earl of Dorset, duke of Exeter, who had also 1000l. confirmed to him, to be paid yearly out of the exchequer, and 40l. out of the customs at Exeter. The lords so approved of this example of the king's liberality, that they said no objection could be made, but only that it was too little, and not proportionable to the merits and services of that noble person.

*A Parl. called.*] John duke of Bedford, the king's brother, was left regent during his absence abroad; and, whilst this victorious monarch was gaining many victories and towns in France, the Scots thought proper to invade the English borders; but, by the conduct of the regent, they were soon driven back again with shame and loss. After the nation was thus delivered from the dangers of this invasion, the duke thought proper to call a parl. the writs bearing date Oct. 5, 1417, and to sit the 16th of Nov. following at Westminster. At which time and place being assembled, in the Painted Chamber, before the regent, Tho. Langley, bp. of Durham, then lord chanc. declared the cause of their meeting, and took for his theme, *Confortamini et viriliter agite, et gloriosi critis.* "On which words he took occasion to expatiate, and to set forth their happiness and glory in the reign of a king, who, during his father's life, had suppressed the rebellion of the Welch; and, since he came to the crown, had defeated the dangerous conspiracies formed against the church, and against his own person and govt; who had been so prosperous in war, by the conquest of Harfleur and the victory at Agincourt; and who now, with continued successes, was subduing Normandy to the English dominion. That the chief causes of their meeting were, to provide for the keeping of the peace at home, and due observation of the laws; to make provision for the support of the war; and to take care for the defence of the marches of Scotland. That in all these things it would become them, *viriliter agere*, to act stremuously; which, if they did, he then assured them of honour and glory; considering, *remuneratio virtutum est honor.*" He concluded, as usual, with desiring the commons to choose their Speaker, and present him next day to the duke regent."

*Roger Flower, esq. again chosen Speaker.*] Accordingly on the 3d day of their sitting, Roger Flower, esq. was again elected speaker; who, with the common protestation, was allowed. And, as a testimony of their hearty attachment to the king's interest, and zeal for the war, the commons with the assent of the bps. and lords, granted to his maj. a 10th and a 15th.

*Proceedings against sir John Oldcastle, lord Cobham.*] "On the 18th of Dec. and the 29th day of this parl. sir John Oldcastle, of Cowling, in the county of Kent, knight, being outlawed upon treason in the king's-bench, and excommunicated by the abp. of Canterbury, for heresies, was brought before the lords; and, having heard his said conviction, answered not thereto in excuse: upon which record and process it was adjudged, that he should be taken as a traitor to the king and realm; that he should be carried to the tower of London, and from thence drawn through London to the new gallows in saint Giles's, without Temple-bar, and there to be hanged, and burned hanging." The Record out of the king's-bench is at large; the effect whereof is, "That the said sir John Oldcastle, and others, to the number of 20 men, called lollards, at st. Giles's aforesaid, did conspire to subvert the state of the Clergy, to kill the king, his brothers, and other nobles." The abp. of Canterbury's instrument for his excommunication, is there also at large. And a motion being made, that the lord Powis might have the thanks of the house, and the reward in the Proclamation mentioned, for apprehending of sir John Oldcastle, knight, the heretick; it passed in the affirmative.—Thus far sir Rob. Cotton, and his publisher. What we have to add, relative to the condemnation of this great man, by his peers, is chiefly from Walsingham; who says, that, when the parl. was informed of sir John Oldcastle's being taken in Wales by the lord Powis, they ordered him to be sent for up. He was brought to London in a horse-litter, having been much wounded in the conflict, and placed before the duke regent and the other estates of the realm; and the indictment drawn up against him at the king's-bench, some years before, for levying war against the king, was read in the house. Being demanded what he could allledge in arrest of judgment, he ran out into a discourse very foreign to the purpose, about God's mercies; and that all mortal men, who would be followers of God, ought to prefer mercy above judgment; that vengeance pertained only to the lord, and that his servants ought not to intrench upon this prerogative of the Almighty. Thus he went on, talking widely from the business, till, at last, the chief justice desired the regent to order the prisoner not to make them lose any more time, but to answer directly to the point. After some pause he told them, it was a small thing for him to be judged by them, or of man's judgment; and then began again to ramble from the question, when the chief justice once more interrupted him, and bid him answer peremptorily, if he had any thing to object against the legality of the process? To this he replied, with a surprising boldness, 'that he had no

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judge amongst them, nor could acknowledge them as judges, as long as his sovereign lord king Richard was living in Scotland.' Upon this answer, a warrant was instantly signed for his execution, and he was ordered to be hanged and burnt. The first part of his sentence was for treason; and the other for heresy. Accordingly he was executed on a gallows, built on purpose in st. Giles's fields, being hung by the neck in a chain of iron, and his body, with the gallows, consumed to ashes. Though this unhappy nobleman's paternal name was Oldcastle, yet by marrying the lady Joan grand-daughter to John lord Cobham, and his heir, he took the title of lord Cobham. Many are the disputes between the protestant and popish writers, about the character of this nobleman, who was the first peer of England that suffered for religion. The former crying him up as a martyr to truth; and the latter treating him with no better titles than an enthusiast, a rebel, and an heretick. Mr. Goodwin says, 'he had all the qualities of a brave and gallant gentleman, and was equally illustrious in arts and arms:' but, if what Walsingham relates of his behaviour at his execution be true, that when many persons of quality attended there, the last words he spoke was to sir Tho. Erpingham, adjuring him, 'that if he saw him rise from the dead again, on the 3d day, he would procure that his sect might live in peace and quietness;' we can look upon him, in this latter part of his life, as little better than an enthusiast.

In this session the letters patent made for the bp. of Winchester, for 21 marks to be levied out of the customs of all staple wares sent from Southampton, to satisfy the sum which he had lent the king for the war, were confirmed by this parl.—A grievous complaint being made of insurrections, of which the lollards were suspected to be the authors and abettors, and a petition being presented that commission at all times might be granted to enquire after them; answer was given, "That the statutes provided in that case should be executed."—There was also a motion offered, that no collector for the Clergy should be appointed out of his deanry: answer was given, "That the clergy should appoint their collectors."

*A Parl. called.*] On the 24th of Aug. 1419, writs of summons were issued out in the regent's name, for a parl. to meet at Westminster, on the 16th of Oct. following. On which day the bp. of Durham, lord chanc. declared the cause of the summons, before the regent and the other estates of the kingdom, and said, "That the king's subjects had great reason to revere him, and pray for his welfare; since, as he could not obtain that peace which he so often sought for, he had begun and carried on war, *timore Dei*, which, being *principium sapientiæ*, the effects of it were evidently shewn, by the many victories he had gained with honour:" all which he took care particularly to enumerate. For his theme he took these words, *Bonum facientes non deficiamus*; and from thence told them, "That his maj. was in good health and spirits; that he desired his subjects would be careful to observe the laws and provide for the defence of the realm; and considering that this enterprize so well begun could not be now left off without imminent danger, he expected new provisions to be made, that he might end the war to his own honour and their advantage."

*Roger Flower, esq. a 3rd time chosen Speaker.*] After the receivers and triers of petitions were appointed, the commons presented R. Flower, esq. a 3rd time as their Speaker; and, on the 18th Nov. they, with the bps. and lords, granted to his maj. one 15th and one 10th, and one half part of them both. The like order was taken for the payment of such who should lend money to the king, as had been observed in the 4th year of his reign. There were 25 lords, whose names are in the roll, who made their subscription. It was also enacted, "That the lords of the council should have power to establish orders touching the Coin." And for the keeping the money within the nation, it was enacted, "That all necessaries should be bought at home for the king's soldiers, and sent to them; and also that certain wools should be bought and sent into Normandy, notwithstanding any statute for the staple made to the contrary."—The queen dowager's confessor having accused her for conspiring the death of the king, it was ordained, "That all the lands and goods of Roger Doller and Petronel Brocart, her sureties, should be seized, and paid to the king; and sufficient warrant was provided for all who should pay the same."

*A Parl. called.*] In 1420, the French war was brought to a conclusion, by a marriage between the princess Catherine of France and Henry king of England, whereby Henry was declared regent and heir-apparent to the crown of France. In Cotton's Abridgment of Records, there is a list of the peers summoned to a parl. to be held at Westminster on the 2nd of March this year; but no farther account is given of it. But the statute-books tell us, that a parl. met on the 2nd of Dec. in the 8th of this king; and that in this session a remarkable statute was made, occasioned by the peace then concluded between the two kings; whereby it was enacted, that, "Whereas the govt. of France was devolved on king Henry, which would require his frequent absence from England; therefore, if a parl. should be summoned by the writs of the king's lieutenant, and the king arrive soon after these writs were issued out of Chancery, yet that parl. should not be dissolved, nor new summons made, but that it should meet by virtue of the former."

Another act was passed, by which all foreign merchants, buying Wool in England, to transport into other parts, were obliged to pay into the mint of the tower an ounce of gold bullion; and for 3 pieces of tin the same, or the equal



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value in silver bullion, upon penalty of forfeiture of their goods.

*A Parl. called.*] The next year Henry, covered with laurels, returned to England, and found the nation flourishing and prosperous, under the govt. of Humphrey duke of Gloucester, his brother, who had succeeded John duke of Bedford in the regency, and managed all affairs with equal wisdom and success. In May 1421, the king met his parl. at Westminster, and, with his own mouth, represented to them the state of affairs, "What conquests he had made in France, and what supplies were necessary to continue the war. That the dauphin and his party, who maintained some cities and provinces against him being subdued, that kingdom might be entirely annexed to the English crown." The Commons agreed to give him a 15th, though a petition was presented, filled with sad complaints of the people's poverty and intolerable burden of the war, and that even his conquest of France would prove the ruin of England. This was done by some persons, says Walsingham, who, more affecting their own private interest, than the prosperity of their country, regretted to part with any money to advance the greatness and honour of the government.

During this session, there was a convocation of the Clergy at st. Paul's, who gave the king a 10th on these conditions; "That the purveyors of his majesty's household should not meddle with the goods or possessions of the Clergy. That if any of that body were accused of a capital crime in the king's courts of judicature, they might upon bail be freed from imprisonment; and that all castrated priests should be proceeded against in law as felons."

*A Peace with France.*] The next thing the parl. went upon, was to declare their approbation of the peace concluded at Troyes, between Henry and the king of France, to give their consents, and promise to observe it. And since that peace had not only been sworn to, and ratified by the two kings, but also by the three estates of France, the lords and commons of England would have it confirmed, in the same solemn manner, in parl. Whereupon Tho. Langley, bp. of Durham, lord chanc. having by the king's order read the articles of it, both houses of parl. avowed that they approved and accepted it, as most conducive to the good of both nations, and of all Christendom; and every one promised for himself, his heirs and successors, that they would inviolably observe it.

*Remarkable Acts passed.*] The most remarkable act made in this session was one by which it was ordained, "That whereas washers, clippers, and counterfeits of the money, had debased and spoiled the Coin; none should receive any gold but by the king's weights appointed for that purpose; and that the gold which was not of due weight, nor of right alloy, should be sent to the Mint, to be new coined, the king at his own charge making up the deficiencies."—It was also enacted, "That every third benefice, the presentation of which belonged to the prelates and monasteries, should be conferred on some scholar of Oxford or Cambridge."

*A Parl. called.*] Whilst Henry was advancing his conquests against the dauphin in France, his brother, the duke of Bedford, administered the regency in England with great wisdom and fidelity. This governor thought fit to call a parl. which met at Westminster on the 1st of Dec. in the same year. The bp. of Durham opened the session with a formal speech. On the third day of their sitting, the commons presented Richard Baynard, esq. to the regent for their Speaker; and the same day, with the consent of the other house, they granted the king one 10th, and one 15th, to be levied on the laity; but with this condition, says Walsingham, that the first half of it should be paid in the money then current. It was also ordained, that all such money, with other, should pass till March 25, if it was not notoriously clipped and washed.

*Act for Regulating the Coin.*] The Gold Coin had been lessened in the value, by clipping and washing; therefore the parl. ordained, for the relief of the people, that the receivers of the tax should take all such light pieces, if they did not want in weight more than 12d. in the noble; or if they did, those who paid them were to make up the defect. The people therefore put off their gold as fast as they could, and hoarded up their silver: by which the king, though then under necessities for money, was contented to lose almost three shillings in the pound for the benefit of the people. Several other statutes were made this session of parliament relating to the Coinage; the heads of which are as follow: "That all the statutes unrepealed, concerning the good and lawful management of gold and silver, should be strictly observed and executed." "That the king should appoint his exchanges of the money of gold and silver in the city of London, and other towns, to be kept in open places in high streets, for the ease of the people; and that all who came to the Tower of London to have money new coined, should have it delivered to them within 8 days, according to the value of what they brought, paying for the coinage of gold at the rate of 5s. in the pound; and for coining a pound of silver, 15d. And that such who would not bring their money to the Tower, but delivered it into the king's exchanges, should pay 1d. in the noble, and o proportionably." Another was, "To oblige all the masters and workers in the Mint to make due and prompt payment of the new money, either by weight or number, to all who brought in their old; and that, if there was any default in the new money, either as to weight or alloy, the masters of the Mint should presently change it, and melt it down." Also it was enacted, "That the wardens, surveyors, and ministers of the exchanges out of the Tower

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should not divert the gold and silver received by them to any other use; but should be obliged to bring it to the Mint to be coined, that there might be the fuller circulation of money through the kingdom." A mint was also established at Calais, in the same manner as at the Tower. And it was likewise ordained, "That the new-coined money should be of as good alloy and weight as the old." Also, "That the chancellor of England should deliver to those who would have them, good and just weights of the noble, half-noble, and farthing of gold, to prevent the people's being abused by such as were counterfeit." The sheriffs and justices of peace were also required to make a search after all falsifiers of weights, and to keep them in prison till they had made fine and ransom at their discretion.

An act having been passed, an. 14 Rich. II. wherein it was ordained, "That for every exchange made by merchants in the court of Rome, or in other parts, they should be bound to buy, within 3 months following, merchandizes of the staple, to the value of the sum so exchanged, upon forfeiture of the same: and whereas the merchants had represented to the parl. that the time allotted was too short to buy such merchandizes and ship them; and that in default of exchanges, the money of the nation would be carried beyond sea." It was therefore enacted, "That all merchants, who should make such exchanges, should be bound personally in the chancery by recognizance to buy, within 9 months following, the merchandizes and commodities aforesaid."

As the parl. granted the king a 10th and 15th, so a convocation, which had met at York, Sept. 22, foregoing, gave him a 10th; and the duke of Bedford required the abp. by an order, dated Oct. 27, to appoint some of his clergy to be the collectors, and to return their names into the exchequer before Easter. This was the last parl. called in the reign of Henry V. who died of a dysentery, Aug. 31, 1422, at Vincennes, in France, in the 34th of his age, and in the 10th of his reign.

*Taxes in the Reign of Henry V.*

In his 1st year he had the like subsidy on staple-ware, tunnage, and poundage, for 4 years, as had been given to his father in the 13th year of his reign.—In his 2nd year an act was passed, whereby the priories alien, who depended on some capital abbies in Normandy, that received the profits of them, should be vested in the king, for carrying on a war against France.—The same year the parl. granted him two whole 10ths and two whole 15ths, to be levied on the laity.—In his 3rd year no tax was asked or granted.—In his 4th year he had two whole 10ths and two 15ths, to be levied on the laity; the clergy also granted two 10ths on their own body. But this being not sufficient, he was obliged to pawn his crown and jewels to carry on the French war.—In his 5th year he had one 10th and one 15th.—His 6th year was wholly spent on the conquest of France; but in his 7th year the parl. granted to him one 15th and one 10th, and one half part of them both.—In his 8th year he had one 10th and one 15th.

Hume, says sir John Sinclair in his history of the revenue, has stated that all the extraordinary supplies, granted by parl. during the course of Henry's reign, amounted only to seven 10ths and 15ths (about 203,000l.;) and he mentions, at the same time, that Henry's army amounted to 6000 horse, whose pay was 2s. a day; and 24,000 archers, who received 6d. per day each. The expences of such an army, therefore, must have amounted to 430,000l. per ann.; and consequently all Henry's grants, joined together, would have been exhausted in less than six months. But, in the first place, the grants given to Henry were greater than this historian states; and, in addition to them, he received considerable assistance from the clergy, and the entire revenues of 110 monasteries in England, dependent on certain abbies in Normandy, which the English clergy had sacrificed for the security of their own possessions. There is also reason to believe, that historians have fallen into an error with regard to Henry's annual income, which is said to have amounted only to 55,754l. 10s. 10½d.—The record on which this idea of Henry's revenue is founded may be seen in Rymer, Vol. X. p. 113. It is not a little defective; but its omissions may be supplied, from the full and particular account of the income of the crown, which was laid before parl. anno 1433. From a comparison of the two records, the following statement is drawn up.

*Amount of Henry V.'s annual Income.*

| | £. | s. | d. |
|---|---|---|---|
| 1. Parva custuma on wool | 3,976 | 1 | 9 |
| 2. Magna custuma on ditto | 26,035 | 18 | 8½ |
| 3. Parva custuma on goods | 2,438 | 9 | 1½ |
| 4. Subsidy of tunnage and poundage | 8,237 | 10 | 9½ |
| | £. 40,687 | 19 | 9½ |
| 5. Casual revenue, arising from escheats, court of wards, &c. | 15,066 | 11 | 1 |
| Total, according to Rymer | £. 55,754 | 10 | 10½ |
| To be added: | | | |
| 1. Fee farm rents | £. 3,612 | 11 | 3 |
| 2. Alien priories | 277 | 5 | 0 |
| 3. Dutchy of Cornwall | 2,788 | 13 | 3 |
| 4. South Wales | 1,139 | 13 | 11 |
| 5. North Wales | 1,097 | 17 | 3 |
| 6. County of Chester | 764 | 10 | 2 |
| 7. Manor of Shotswick | 33 | 6 | 8 |
| 8. Ireland | 2,339 | 18 | 6 |
| 9. Dutchy of Lancaster | 4,952 | 13 | 3 |
| 10. Dutchy of Aquitaine | 808 | 2 | 2 |
| 11. Profits of Calais | 2,866 | 1 | 0½ |
| 12. Revenue of Windsor | 207 | 18 | 5 |
| | £. 20,888 | 10 | 10½ |
| Total above | £. 55,754 | 10 | 10½ |
| | £. 76,643 | 1 | 8½ |

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Many of these articles, and the alien priories in particular, must have yielded more in the reign of Henry V. For it appears, that in his son's minority, the management of revenue, and of public affairs in general, was miserably neglected; and, on the whole, it is probable, that this monarch's income might amount to about 80,000l. per ann. equal to 160,000 lb. of silver, which, by the cheapness of provisions at that time, would be equivalent to 500,000l. of our present specie. It is said, that Henry V. was the first monarch, who had the subsidies on the exportation of wool and leather, and the duties of tunnage and poundage, joined together, granted him for life. But Forster remarks, though the fact is true, yet that Coke, and other eminent lawyers, are mistaken in the roll, which is commonly adduced in proof of that assertion.

*Price of Provisions in the Reign of Henry V.*

Our historians are very deficient in noting the prices of provisions in this reign. Fabian however tells us, that in 1416, wheat was so dear as to be sold for 16s. a quarter; and that in 1422, it sold for 8s. and malt at 5s. A ram sold also for 8d.

*Acts passed in the Reign of Henry V.*

1 Hen. V.—1. For election of knights and burgesses of the parl. 2. Confirmation of former statutes made for pulling down of wears and kiddels, &c. 3. Against forgers of false deeds. 4. To prevent extortions of sheriffs and their bailiffs. 5. For addition to be given, in case where process of outlawry lieth. 6. Englishmen's punishment of misdemeanors in Wales shall not be revenged. 7. Touching Frenchmen beneficed in England. 8. To prevent the repair of Irishmen into England. 9. Revocation of certain grants of lands and offices in Calais. 10. By what measure purveyors shall take corn.

2 Hen. V.—1. Power given to ordinaries to enquire of the government of hospitals. 2. Touching writs of *Certiorari* and *Corpus cum causa*, granted for persons in execution. 3. For granting a copy of a libel in the spiritual court. 4. Touching labourers, and of the office of a justice of the peace. 5. Process against felons dwelling in Tindale and Examshire. 6. Concerning the observation of truce and safe conducts. 7. For reformation of heresy and lollardy. 8. For suppressing of riots, routs, and unlawful assemblies. 9. Touching process against rioters that flee into woods.

Other Statutes made the same 2nd year.—1. What persons shall be justices of the peace.—2. For wages of priests. 3. For the sufficiency of jurors. 4. Touching goldsmiths and gilding of silver ware. 5. To prevent rebellions of Welshmen. 6. For shipping of staple ware.

3 Hen. V.—For abolishing of galley halfpence, suskins, and dotkins.

Other Statutes made in the same 3rd year.—1. Confirmation of Liberties and Franchises, and Statutes not repealed. 2. Touching abbots and priors being suitors to courts baron in Yorkshire and Lancashire. 3. Britons not made denizens shall depart the realm. 4. All provisions, licenses, and pardons, touching benefices full of an incumbent, shall be void. 5. Touching attaints upon a false verdict given in the city of Lincoln. 6. and 7. Against the clipping, washing, and filing of money. 8. Touching fees for probates of testaments.

4 Hen. V.—1. Confirmation of the Great Charter, the Charter of the Forest, and of Statutes not repealed. 2. For sheriffs to have allowance of certain estreats upon their accounts. 3. Touching parten-makers. 4. Against taking of excessive wages of servants of husbandry. 5. Confirmation of the statutes made 5. H. IV. c. 7 and 9. for hosts to be assigned to merchant strangers. 6. Touching benefices granted to Irishmen. 7. In what cases letters of marque may be granted. 8. The king's pardon.

5 Hen. V.—Abbots and others may make attornies until the next parliament.

7 Hen. V.—For appealing and indicting men of Lancashire, &c. Process against makers, &c. of false deeds.

8 Hen. V.—1. That in the king's absence in France the *teste* of the writs be in the name of the lieutenant. 2. For bullion to be brought to the mint by merchants of the west. 3. Touching gilding and silvering of divers things.

9 Hen. 5.—1. Touching appeals and indictments. 2. Touching exigents against any in Lancashire. 3. Touching protections for such as served the king in Normandy. 4. Touching the amending of records. 5. For making of sheriffs and escheators. 6. Touching the mint and coinage at Calais. 7. Against the men of Riddesdale offending in Northumberland, and other places. 8. Against scholars of Oxford hunting by night. 9. Abbots and other religious persons discharged of collection of *Dismes* out of the county where they dwell. 10. Touching the measure of keels to carry sea-coals from Newcastle. 11. Against washers and clippers of money. 12. Touching Rochester bridge.

Other Statutes made in the same 9th year. 1. Confirmation of all statutes not repealed concerning gold and silver. 2. Concerning the exchanges in London. 3. Touching the payment of exchange. 4. For bringing of the money received for the exchange to the tower. 5. Touching the mint at Calais. 6. For good allay in the monies. 7. For the weight of nobles, half nobles, and farthings of gold. 8. For commissioners to inquire of counterfeiters and makers of false weights. 9. Touching exchange to the court of Rome. 10. For relief of the collectors of *Dismes* and *Quinzismes*. 11. Certain roads about Abingdon shall be repaired.

## HENRY VI.

*A Parl. called.*] Henry VI. was an infant of about nine months old when he began his

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reign. In 1422, writs of summons were issued out, in the young king's name, dated Sept. 29, for a parl. to meet on the Monday next after the feast of st. Martin, at Westminster. And, on the same day, before any other business was begun, a commission directed to Humphrey duke of Gloucester, the king's uncle, empowering him to begin the parl. was read, in the presence of the said duke, sitting in the Painted Chamber, and before the lords and commons assembled. After which Henry Chicheley, abp. of Canterbury, by command of the said duke, the king's commissioner, declared the cause of calling the said parl. and took for his theme, 'principes populorum congregati sunt cum Deo.'—In discoursing on which words he observed, "That God of his great mercy had left issue unto them of the most victorious prince Henry, begotten of the royal blood of France, whereby the same issue was now become king of France. That, as all perfections were comprised within the number 6, since God had made all things in 6 days, so his divine maj. was to accomplish the good beginnings of the famous 5th Henry, in the 6th Henry his son; who would that all estates and persons should enjoy their full liberties." He then declared, "That, considering the king's tender age, this parl. was called for 3 causes; the 1st for the good governance of the king's person; the 2nd for preserving the peace: the 3rd for the sure defence of the realm. But, that it principally imported them to provide some honourable and discreet persons for the governance aforesaid, in which they all ought to give their best advice. He desired them in this to follow the counsel, which Jethro gave to Moses in Exodus, viz. such as feared God, wise, religious, hating covetousness, puissant, &c." And then concluded with desiring the commons to chuse a Speaker, and present him next day to the duke.

*Roger Flower, esq. a 4th time chosen Speaker.*] Receivers and triers of petitions being appointed for England, Ireland, Wales, and Scotland, with Gascoigny, other foreign parts, and the isles; on Tuesday being the 2nd day of the parl. the commons presented Roger Flower, esq. to the duke and lords for their Speaker; who, with the usual protestation, was allowed.

The two bps. of Durham and London, the former having been chanc. of England in the late reign, and the other chanc. of the dutchy of Normandy, who had both delivered the several seals of their offices to the duke of Gloucester, prayed to be discharged by act of parl. and that the same might be enrolled, which was granted. It was then also enacted, that the king's stile and titles should be changed, and that upon all his seals should be engraven this motto, "*Henricus rex Franciæ, & Angliæ, & dominus Hiberniæ.*"—At the request of the commons, the duke of Gloucester declared to them, that the king had appointed the bp. of Durham to be his chancellor; Wm. Huntrofe, treasurer of England; and John Stafford to be keeper of the privy seal; for all which offices their patents were made, and confirmed by parl.

*A Protector appointed.*] The king, by his letters patent, confirmed also by parl. appointed John duke of Bedford protector and defender of the realm and church of England, and chief counsellor to the king; but because the said duke was then beyond the seas, it was enacted, "That during his absence Humphrey duke of Gloucester should supply the said office; which said duke took upon him the dignity aforesaid, under a protestation that it should be no prejudice to the right of his brother." And it was also enacted, "That the protectors shall, during the king's minority, dispose of all the offices of the forests, keepers of parks, and warrens; and that all benefices in the king's gift, being above the value of 20 marks, should continue in their disposal during their lives." And it is likewise said, that the protector's salary was settled then at 8000 marks a year. The parl. also appointed governors to take care of the king's person and education, who were Tho. Beaufort duke of Exeter, and Henry his brother bp. of Winchester, both great uncles to the king.

And it was then enacted, "That all estates should have their liberties confirmed, which have not been revoked, without the word 'concedimus' to be in any of the said confirmations: and that all writs, commissions and dependants of the same, made by the king's council, relating to this parl. be confirmed by the authority of the same.—And whereas the late king Henry V. constituted and appointed Hy. lord Fitzhugh, Walter Hungerford, Walter Beauchamp, Lewis Robsart, Wm. Porter, Rob. Babthorpe, John Woodhouse, and John Leventhorpe, esqrs, executors of his last will and testament, the king granteth now to them 40,000 marks for the performance of the said will. Nineteen marks due to the executors of Henry IV. by oversight of the supervisors of the said will from the duke of Gloucester, and other lords there named."

*A subsidy granted.*] "The commons, with the assent of the bps. and lords, grant to the king the same subsidy on woollen or staplewares, tunnage and poundage as formerly, for two years to come."—And it was, also, enacted, "That all such Petitions as are not determined in this parl. shall be referred to the king's council to be concluded according to their discretion. Also, certain bps. and lords, and others were then named to be counsellors and assistants to the lord protector in the governance aforesaid. And, that all justices of peace, sheriffs, essheators, collectors of the customs, comptrollers, weighers, searchers and other officers be placed, or displaced, at their determination. That these counsellors may have the advantage of all manner of wards, marriages, farms, and other casualties of the crown. And that nothing be ordained in council but by 6 at the least, or more; and, in all great causes, by all, or the greatest

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part of them; and, when the king is to be conferred withal, that nothing be done without the assents of the dukes of Bedford and Gloucester. That the treasurer of England and the 2 chamberlains of the exchequer may have each of them a key to the king's Receipt; but that they be sworn in council, to make none privy thereto but the members thereof. That the clerks of the council be sworn to take down duly the names of such of the counsellors as attend, and to register truly all their ordinances." All which articles were enacted and confirmed by parl.; with a proviso, "That all such officers, as held the same for life, or otherwise, may be allowed to appoint deputies, any of these articles notwithstanding." These excellent rules and ordinances being ratified in parl. all possible care was taken for the good governance of the realm, during the king's minority.

*Several good Laws passed.*] Several wise laws were also passed in this parl. for the titles of which we refer to the list given at the end of this reign.

*A Parl. called.*] In 1423 another parl. was called by writs, dated Sept. the 1st. returnable on the 20th of Oct. following. It is remarkable, that a much smaller number of peers were summoned to this and the last parl. than usual; from whence we conclude, that the greatest part of the English nobility, were, at that time, engaged abroad, as governors of some conquered city, town, or fortress; or otherwise withheld by some important post in the army. The following is a list of the

*Peers summoned to this Parliament.*

| | |
|---|---|
| Humphry, duke of Gloucester | Richard, lord Strange |
| | Robert, lord Poynings |
| Henry, earl of Northumberland | William ld. Bottreaux |
| | Thomas, lord Dacre of Gilsland |
| Ralph, earl of Westmorcland | William, lord Clinton |
| Tho. lord De la Warr | Wm. lord Harrington |
| William, lord Ferrers of Groby | Thomas, earl Marshal |
| | Edm. earl of March |
| John, lord Welles | Thomas, d. of Exeter |
| John, lord Graystock | Rich. earl of Warwick |
| Reginald, lord Grey of Ruthin | James, lord Audley |
| | Richard, ld. Cromwell |
| John, lord Latymer | Henry, ld. Fitz-Hugh |

On the day of the meeting of this parl. a commission was again read to constitute the duke of Gloucester lord president; and, by his command, the bp. of Durham, lord chanc. opened the cause of the summons, with this text: 'Deum timete, regem honorificate.' On these words he argued, "That we ought to fear God, even, with a child-like fear; 'quoniam qui timet Deum, diligit eum, et tunc illuminabitur cor ejus.' And that the king ought to be honoured, since now this realm had attained their wish; which was, that the king of England might also be king of France. And since this great undertaking was brought about by the labour and conquests of their present king's father, they ought to honour him equally for it; for *Omnis qui diligit eum qui genuit, diligit eum qui natus est*: that all the lords of the council, appointed by the last parl. for the regency, and for the due observation of the peace, during the king's minority, were assembled; in order to take the advice and consent of parl. towards perfecting the same." Then, he desired the commons to chuse their Speaker and present him to the duke, the king's commissioner in this parl.

*John Russel, esq. chosen Speaker.*] The receivers and tryers of petitions being appointed, the commons presented John Russel, esq. as their Speaker, who with the usual protestation was allowed.—A committee of the commons were appointed to wait upon the duke of Gloucester, and to give him their hearty thanks for vouchsafing to communicate to them the treaty with the Scottish ambassador, for the delivery and marriage of James king of Scotland, which they greatly approved of.—An ordinance was made. "That the saint-master in the tower shall keep the exchange, allowed him by the last parl. during the king's pleasure." And, it was enacted, at the Petition of the northern counties, "that a coinage should be at York, during the king's pleasure; and that all persons do bring in their gold, there to be new coined, which is not of full weight."

*Orders relating to payment of the late King's debts.*] On the 17th of Dec. on account of the approaching festival, an adjournment took place to the 15th of Jan. 1424. On the day prefixed being again assembled, the first thing worth notice that they went upon was, "That on the Petition of the executors of the last will of Henry IV. the king had by his letters patents assigned the payment of 40,000 marks to the executors of Henry V. to the end that the last executors should pay the first, and, also, discharge the will of Henry V. which letters patents were confirmed by parl. The said executors prayed, that they might have the jewels, plate, and goods of the said king Henry V. to the value of 40,000 marks, which was granted. And that the said executors shall have all the wards, marriages, goods, debts and chattels, which were the said king's for the payment of his debts." But then it was enacted, "That the executors of both the late kings shall pay all their debts; as well those due by talley as by debentures." At the same time an act was passed, "To secure those persons who had only the late king's jewels in pawn, and that they should not be obliged to deliver the same till their debts were paid. And that the bp. of Winchester, who lent the king 20,000 marks on the crown, should have letters patents to receive the said sum out of the customs."—The bp. of Durham, executor to Henry Bowett late abp. of York, and others, petitioned the parl. "to order the payment of 900l. lent to Henry V. on a Tabernacle of gold, once belonging to the duke of Lancaster; and to be discharged from the said executors on the delivery of the said tabernacle; which, by

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common assent, was confirmed." On the petition of Katherine queen of England, a new dower was assigned her, instead of the other granted by the last parl. it being, in many places, found faulty and erroneous.—Lastly, John Stafford, treasurer of England, by his petition, prayed, that the schedule, indented, made between him and the executors of Henry V., relating to the goods of the said king, delivered to the said executors, to the value of 40,000 marks, might be confirmed by parl. and he be discharged thereof; which was granted."

*The Scotch King released, and a Peace concluded.*] James, king of Scotland, having been a prisoner in England ever since the reign of Henry IV. it was now thought, that if he were set at liberty, a firm and lasting peace might be established between the two nations. And lest the obligation should be too soon forgot, it was also proposed to give him to wife Jane, daughter to John duke of Somerset, and cousin-german to the young king. Accordingly, by letters patents, directed to certain bps. and others, a treaty was set on foot at Durham, between the commissioners of both nations; and the said letters patents were not only confirmed by this parl. but the power to deliver up the king of Scots, on the conditions agreed on, was also ratified by them. The Scotch king was released from his captivity of 18 years, and married to the lady, with whom he had a large dower, besides many gifts of plate and jewels, which her kindred of the nobility presented them with. At his departure he was also induced to take an oath of friendship and fidelity, say some; or as other historians write, did homage to the young king of England at his castle of Windsor; wherein he owned that he held and claimed his kingdom under a superior lord. The oath was in these words: "I, James Stewart, king of Scotland, shall be true and faithful unto you, lord Henry, by the grace of God, king of England and France, the noble and superior lord of the kingdom of Scotland, which I hold and claim of you. And I shall bear you my faith and fidelity of life and limb, and worldly honour, against all men; and faithfully I shall acknowledge and do you service due for the kingdom of Scotland aforesaid; so help me God, and these holy Evangelists." See Hollingshead's Chron. p. 587.

*Petitions.*] On the petition of Joan, queen of England, wife to Henry IV. the king, by consent of parl. restored to her all her dower, and the arrears of the same, with all her goods that were taken from her.—At the petition of the master and brethren of the hospital of st. Leonard's in York, it was enacted, "That they should enjoy all their threaves of corn, within the counties of York, Cumberland, Westmoreland, and Lancashire; and that they may recover the same by an action of debt or detinue." This statute was made remarkable, by being the first occasion of a great revolution which happened some years after.—It was enacted, "That if any person should carry out of the realm any staple-ware, from the staple of Calais, uncustomed, he shall forfeit the same, and make fine and ransom at the king's pleasure. Also, that no licence be granted to any person to transport any slight looms out of Hampshire, Kent, Sussex, and York, but only to Calais." But this last was only to continue to the next parl.

*Two foreign Ladies naturalized.*] Two foreign ladies of quality, who had been married, one to the duke of Bedford, and the other to the duke of Gloucester, were naturalized this parl. The former was Ann, sister to Philip duke of Burgundy, and wife to John duke of Bedford, regent of France; the latter was Jaqueline, sole daughter and heiress to Wm. duke of Bavaria, who was married to Humphrey duke of Gloucester. This princess, by her father's death, had the govt. of the earldoms of Hainault and Holland, two large and populous countries, descended to her; and, though married to John duke of Brabant, yet, on pretence that her husband was too nearly related to her before marriage, or, as others say, for his unkind usage of her, she left him and came into England, where she soon after became duke Humphrey's wife, to the great displeasure of her former husband, and the ruin of the English interest in France.

*An ex post facto Act against sir John Mortimer.*] Sir John Mortimer, of Bishop's Hatfield, Hertford, having been indicted on the oath of one King, servant to sir Rob. Scot, keeper of the Tower of London, upon the Statute of Escapes; an act was made this parl. on purpose to destroy him, alledging several other articles against him. As, 1st, that the said sir John had contrived with him to break out of his imprisonment, and had promised him immediately a reward of 40*l.* a year, to be aiding and assisting to him in his escape; and afterwards an earldom. 2nd, that the said sir John told him, that after his escape he would go into Wales to the earl of March; and, having raised 40,000 men, would enter the kingdom again, and cut off the heads of the protector and the bp. of Winchester.—3rd, he had told this informant, that the earl of March was rightful heir to the crown of England, and that after him he was the next heir; wherefore, if the earl of March refused to recover his right, he himself would take upon him the regal power as his due."—Lastly, that when he came into Wales, if the earl of March would not accept his service, nor engage in the cause, he would then fly into France, and assist the French king against Henry, and did not doubt but in the end he should gain his design.—It appears by the Record, that this sir John Mortimer had been committed prisoner to the tower, for suspicion of treason done against the late king, from whence he had made his escape the first year of this reign. For which escape alone, we suppose, he was indicted, and this indictment, by the authority of parl. was allowed to be good; and the said

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sir John being again apprehended and brought before this parl. judgment was given against him, to be carried back to the tower, and drawn from thence to Tyburn, there to be hanged, drawn, and quartered; his head set on London bridge, and his four quarters on the four gates of the city.

*A Subsidy granted.*] On the 18th of Feb. this parl. granted the king the same subsidy on tonnage and poundage as in the last. It was also enacted, that merchant-strangers shall only pay 43s. and 4d. duty on every sack of wool, notwithstanding the grant made in the 7th year of the last reign.

*The Protector's power reduced by Parl.*]—They next appointed and named the bps. and lords, with other persons that were to be of the king's council. All which persons took upon them to act, on certain rules and articles assigned them, far stricter than the last, and very derogatory to the power of the protector.

*A Parl. called. The infant King carried to the house.*] The French war was still carried on by the regent against the dauphin with various success; whilst the Protector thought fit to call another parl. The writs were dated the 24th of Feb. 1425, and returnable at Westminster the 31st of April. The Protector and Council thought it necessary, in order to engage both lords and commons more zealously in their interests, to bring the infant king into the house; and accordingly, on the day of their meeting, he was carried through the city, on a great horse, to Westminster. The people flocked in great multitudes to behold him; and imagining that they could discern the features and virtues of his father to be transplanted into him by nature, they loaded him with loud acclamations and hearty wishes of a long and happy life. Being come to the palace, he was from thence conducted to the house of lords, and sat on his mother's knee in the throne. "It was a strange sight," says Speed, "and the first time it ever was seen in England, an infant sitting in his mother's lap, and before it could tell what English meant, to exercise the place of sovereign direction in open parl." The commons being called,

The bp. of *Winchester*, then lord chancellor opened the cause of the summons in manner following:—For the head of his discourse he chose these words, *Gloria, honor, et pax, omni operanti bonum*; this he divided into three branches, viz. *bonum honestum*, which consisted in the due obedience of the subject; *bonum delectabile*, which was giving good council; and *bonum utile*, which was the free and willing relief they owed to their prince and commonwealth. By the 1st, he argued that God was most glorified; by the 2nd, the prince best honoured; by the 3rd, the subject's safety better guarded. According to the saying in st. Luke, 'Gloria in excelsis Deo, in terra pax, et hominibus bona voluntas.' Glory is given to God by due obedience in the subjects; the prince is honoured by having sound advice given him; and the subjects governed in peace by relieving their prince. And in this he affirmed that princes ought to be obeyed though they were evil; according to the command of st. Peter, 'obedite præpositis;' for although they were not good in themselves, yet, as they commanded many good things to be observed, they ought to be obeyed; and put them in mind that, 'Sicut princeps tenetur regere regaliter, sic plebs obedire.'—On his second division, relating to sound Counsel, he urged this text, 'Salus ubi multa consilia,' and told them that an elephant had three properties, the one, in that he wanted a gall; the 2nd for that he was inflexible and could not bow; and the 3rd, in that he was of a most sound and perfect memory; all which properties he wished might be in all Counsellors. That for their wanting a gall, they might be thereby free from all malice, rancour and envy; by being inflexible, that they should not stoop to any reward, nor in judgment respect any person; and of a sound memory, that they by calling to mind dangers past, might prevent perils to come.—His last topic, for the relief of the king; he urged that it ought to be done with all readiness of mind, considering that God, by the young prince, his chosen vessel, there before them, had not only governed them in safety, but had also given to them many honourable victories and great conquests; all which ought to enforce them more willingly to offer, that their grants should be more readily taken. Lastly, he desired the Commons to go together and chuse their Speaker and present him the next day.

*Sir T. Nanton elected Speaker.*] Accordingly, they presented sir Thomas Nanton, knt. for their Speaker, before the king and lords, whose excuse being not allowed, he, with the usual protestation, was accepted of.

*The Commons consulted in a Case of Precedency in Peerage.*] But the business of this session was much interrupted by a quarrel between two great men about a right of precedency. John Mowbray, earl marshal, and Rd. Beauchamp, earl of Warwick, were the two antagonists; and each laid claim to the higher place in the parliament-house. They were, however, commanded not to come to the house till the matter between them was fully heard; and learned counsel was allowed them to plead and speak to their respective claims. The duke of Gloucester, as protector, with the bishops and the rest of the peers, sat as judges; and they, with the members of the lower house, were all sworn to give upright judgment in the cause, without favour or affection.—Sir R. Cotton has taken pains to extract, from the record, the substance of the pleas on both sides; which is prefixed to his account of the proceedings of this parl.—The counsel for both these earls having finished their pleas and demanded judgment; it might perhaps have perplexed the ministry how to please them both, but, that a method was devised to do it effectually. The earl marshal had been privately required to put in his claim for being restored

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to the title of duke of Norfolk; according to the creation of Thomas his father, and as brother and heir to Thomas, who died without issue, son of the said Thomas his father; which claim, when it was publicly made, was, for several reasons, granted and confirmed by parl. And thereby the Precedency was placed out of the reach of dispute.

*A Subsidy granted.*] In this parl. the former subsidy on wools was granted for 3 years longer; and tonnage and poundage for 1 year: upon condition, that foreign merchants should be strictly looked to for their duties.

*Petitions.*] On Petition of Ann, late wife to Edmund earl of March and Ulster, it was ordained that the said Ann should have livery of her dower, on finding of any offices after the death of the said earl, and upon her oath not to marry. That part relating to the offices we do not understand; but this lady was the widow of the said earl of March; and dying without issue, he left his honour and estate to R. Plantagenet, earl of Cambridge, his sister's son; who, being thereby heir to Lionel duke of Clarence, first began the Contest, between the two houses, for the crown of England.—A petition of the commons was exhibited this parl. "That all parsons, vicars, and others, having cures, and not resident upon them, may forfeit their benefices; one half to the king and the other half to the patron." Answer. The king hath commanded the abp. of Canterbury and York to provide a remedy.—There are several other matters relating to more private affairs, in the abridgment, which we shall pass over; and only mention one which has a more public concern, and which Cotton hath given us in these words:—"It is enacted, that the quarrel and combat, betwixt the duke of Gloucester and the duke of Burgundy, do in no case proceed; but that the same by the king's letters patents be committed to the old French king, the king's mother, and the regent of France; and that the duke of Burgundy do deliver into indifferent hands the person of my lord of Gloucester."

*Several acts passed for the benefit of the Nation.*] In this parl. there were several acts passed for the public benefit. The chief of which are: I. Against the exportation of sheep beyond sea, without the king's licence; because by carrying of sheep into Flanders, and other parts, the wool of England would at length become of little value, and the woollen manufacture of the nation be greatly diminished. To remedy this, they laid on a heavy tax of 43s. a sack upon exported wools, which was 10s. more than ever was paid before for the like quantity.—II. For the exportation of butter and cheese, to encourage husbandry; giving the chanc. of England leave to grant licences, at his discretion, to such persons as shall desire to vend the said articles in foreign parts, as well as at the great staple at Calais. —III. That all merchant strangers, within 15 days after they are landed, in any port of this kingdom, shall take lodgings or other habitations, in the town or place where the port is, under some Englishmen; and shall not make any sale of any goods or merchandize till they are so settled; and then shall sell all their merchandize within 40 days next ensuing; and if any goods remain unsold after that time they shall be forfeited to the king's use. This act was intended for a double benefit; first, that the king might not be defrauded of his customs; and next, that strangers might not by keeping of their goods and merchandizes, understand the wants of the nation and so raise the prices.

*Quarrel between the Lord Protector, and the bp. of Winchester referred to Parl.*] About this time it was, that a dangerous quarrel was set on foot between two very great men, both chief supporters to the house of Lancaster, Humphrey lord protector, and Henry Beaufort, the rich bp. of Winchester, great uncle to the king. The latter of these, by his magnificence and grandeur, seemed so much to out-shine the Protector himself, though almost on the throne, that he drew on him the odium and jealousy of the other. The haughty spirit of the bp. being legate to the pope in England, was so great, that the Protector could not endure his pride; and such an implacable enmity grew between them, that great parties were raised, on both sides, for each other's defence. In short, a civil war it was much dreaded would be the consequence; and, all their mutual friends could do, was not sufficient to pacify the mind of the Protector, or to make the Prelate yield any further, than, as he thought, was becoming his high place and state. In this situation the bp. however, thought proper to write a letter to the duke of Bedford, regent of France, to come over and endeavour to heal matters between them. The duke came accordingly, and calling a council of the chief nobility at st. Albans, many hot contests arose; and, nothing being concluded at that time, it was adjourned to Northampton, but to as little purpose; till, at last, it was determined, that these differences should be referred to parl.

*A Parl. called.*] Accordingly, writs of summons were issued out, dated Westminster, Jan. 7, 1426, for one to meet, at Leicester, on the 13th of Feb. At which time and place being assembled, in the great hall of the castle of Leicester, much care had been taken to prevent any tumults between the great trains of the protector and the bishop, by strictly prohibiting any person whatsoever, to come thither with swords or any other warlike weapon. Which order, though it was literally observed, yet the lords and their attendants came armed with batts, or great clubs, on their shoulders; from whence this meeting got the name of the "Parliament of Bats;" but this, also, as soon as it was taken notice of, was prohibited. Being all, at length, sat in a peaceable manner, as aforesaid, the young king being there, also, present, the bp. of Win-



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chester, as ld. chanc. of England, declared the cause of the summons, in a very short manner; for, after telling them that the king's will was, that all estates should enjoy their liberties, he took his subject from these words of st. Paul: *Sic facite ut salvi sitis.* These the learned prelate divided into 3 parts, and referred them: 'First to God, for protecting the faith of the church, against all invasions from lollards and heretics; 2dly, by imparting sound counsel; and, lastly, by granting the several needful subsidies. By which, he affirmed, three virtues and conveniences would follow, viz. glory to God, by protecting his faith; honour to the king, by receiving good advice; and peace to the subject, by their liberal grants. In all which he desired, that every estate of this parl. would labour; and that the commons would chuse, and the next day present, their Speaker.'

*Sir R. Vernon chosen Speaker.*] The king's letters patents were read, whereby he appointed John duke of Bedford his commissioner, to prorogue and dissolve this parl. at his pleasure. The same day the commons presented, before the king, sir Rd. Vernon, knight, to be their Speaker; who, with the common protestation, was allowed.

*The Lord Protector and the bp. of Winchester reconciled.*] Then the commons expressed their great dislike to the dissentions between duke Humphrey and the bp. of Winchester, and moved for their reconcilement. On which, the duke of Bedford, some bps. and other lords, made a solemn decree amongst themselves, to hear and determine the said difference, without favour or affection. Which order, after every one of the lords had sworn to observe, they sent a copy of it to the commons. They then proceeded in the matter, and, at length, caused the said duke and bp. by their formal instruments; to have their disputes compromised, and referred to the decision of a select committee of certain bps. and lords; who, after some time, came to this resolution: first, that the said bp. of Winchester should submit himself to the king's mercy: which he did accordingly. And, then the duke of Bedford, in open parl. pronounced the said bp. innocent of what was alledged against him, in that he procured a person to murder the late king, when he was prince, as the murderer himself confessed who was drowned by the earl of Arundel. And, also, in that he should counsel and advise the said prince to have deposed Henry IV. his father. Likewise, it was awarded by the said committee, that the bp. should acknowledge his offence to the duke of Gloucester, and, in a submissive manner, ask his pardon; that the said duke should freely forgive him; and, in token of a thorough reconciliation, each should take the other by the hand, which was accordingly done before the whole assembly. Some time after the bp. of Winchester petitioned the parl. to be discharged of the great seal, as chancellor, which, by common consent, was granted.

This is all the account which sir R. Cotton has thought fit to extract, relating to this strong contention between these two noblemen; who, though so nearly related as uncle and nephew, yet still carried on that implacable malice against each other, which ended not but in the death of one or both of them. However, the chronicles of Hall and Hollingshead are not so silent in this matter; they tell us, that when the affair of the quarrel was brought before the parl. and each party allowed to plead his cause freely, the Protector, who looked upon himself as the person aggrieved, exhibited five Articles against the Bishop, to all which he was urged to give in his Answer. Which Articles and Answers are as follow:

*Articles of Accusation presented to the Parl. by the Duke of Gloucester, against Henry, Bishop of Winchester, with his Answers to them severally.*

I. That Rd. Woodvile, esq. keeper of the tower of London, did by the instigation and encouragement of the said bp. of Winchester, deny admittance to him the said duke of Gloucester, then being Protector of the kingdom, into the tower, contrary to reason and duty, and in derogation to the king's authority.—To this Article the bp. answered, "That while the d. of Gloucester was gone into Hainault, it happened that many pamphlets and reports being dispersed up and down the city of London tending to rebellion, it was ordered by the lords of his majesty's council, that Rd. Woodvile, esq. should with a sufficient number of armed men have the keeping of the tower, and should not permit any man to come into the tower stronger than himself, without the special commandment of the king, by the advice of his council. After this strict charge the d. of Gloucester returning out of Hainault, and not approving the fortifying the tower, told the citizens, who were dissatisfied at it, 'That had he been in England it should not have been so;' and immediately going to the tower demanded admittance, but Woodvile, not daring to give him entrance, came to the bp. of Winchester for advice, who told him, 'that the duke of Gloucester took more upon him than he ought, and that before he admitted him into the tower, he ought to provide himself a sufficient warrant of the king and council for his so doing contrary to the former order."—II. That the bp. of Winchester, without the advice or consent of the d. of Gloucester, or of his majesty's Privy Council, contrived and purposed to lay hands on his majesty's person, and to have removed him from Eltham, the place that he was then in, to Windsor, there to put him under the govt. of such persons as he pleased.—The bp.'s Answer to this Article was, "That he never could propound to himself any advantage by removing the king, or taking him into his custody or charge, nor did ever intend to meddle with any thing about the king's person without the advice of the privy council, as in time and place he could prove."—

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III. That the bp. of Winchester knowing that the d. of Gloucester had resolved to prevent his design of seizing the king's person at Eltham, laid wait for him, by placing armed men at the end of London-bridge, and in the windows of the chambers and cellars in Southwark, to have killed him, if he had passed that way; all which is against the king's peace, and duty of a true subject.—The bp.'s defence was, "That true indeed it is, that he did provide a certain number of armed men, and set them at the foot of London-bridge, and other places, without any intention to do any bodily harm to the d. of Gloucester, but merely for his own safety and defence, being informed by several credible persons, that the d. of Gloucester had purposed bodily harm to him, and gathered together a company of citizens for that end."—IV. That the late king Henry V. told him, that when he was prince, a man was seized in his chamber, who was hid behind the hangings, and confessed after his apprehension, that he was set at work by the bp. of Winchester, to kill the prince in his bed. He was delivered to the earl of Arundel, who drowned him in a sack in the Thames.—To this accusation the bp. replied, "That he was ever a true and faithful subject to his sovereigns, and never purposed or contrived any treason against any of their persons, and especially against his sovereign lord Henry V. And this he thought was sufficiently evident to any, that considered the great wisdom and courage of the said king, and the great trust he reposed in him so long as he remained king, which he would not have done had he found him guilty of such unfaithfulness to him while he was prince."—V. That the bp. of Winchester in the sickness of k. Henry IV. advised his son prince Henry, to assume the govt. of the nation before his father's death, as the said prince himself told him.—The bp. replied, "That this was mere calumny, which could not be proved; and he hoped the parl. would appoint them judges, that he might vindicate his honour, or else leave him to sue out his right before suitable judges."—VI. That the bp. of Winchester had, in his letter to the duke of Bedford, plainly declared his malicious purpose of assembling the people, and stirring up a rebellion in the nation, contrary to the king's peace.—The bishop's answer was, "That he never had any intention to disturb the peace of the nation, or raise any rebellion, but sent to the duke of Bedford to come over in haste to settle all things that were prejudicial to the peace; and though he had indeed written in the letter, 'That if he tarried, we shall put the land in adventure by a field, such a brother you have here;' he did not mean it of any design of his own, but concerning the seditious assemblies of masons, carpenters, tilers and plasterers, who being distasted by the late act of parl. against excessive wages of those trades, had given out many seditious speeches and menaces against the great men, which tended much to rebellion; and yet the duke of Gloucester did not use his endeavour, as he ought to have done in his place, to suppress such unlawful assemblies, so that he feared the king and his good subjects must have made a field to withstand them: to prevent which, he chiefly desired the duke of Bedford to come over."

This charge, and the answers to it, being thus delivered into the parl. the further examination of it was by the houses devolved upon a select number of lords, who having thoroughly examined all matters, acquitted the bp. and by a formal award enjoined them to be firm friends for the future; and by such inducements wrought upon them, that they shook hands, and parted with all outward signs of perfect love and agreement, which gave a mighty satisfaction to all people, both of the clergy and laity. And the king, by the advice of his council, made a magnificent feast at Whitsuntide, to rejoice for this happy reconciliation. After this the parl. sat till June the 15th; but did nothing more than raise a supply of men and money to carry on the conquest of France, which were gathered out of the great cities and towns of the kingdom chiefly.

*A Parl. called.*] A fresh supply being much wanted for the war, writs of summons were issued for calling a parl. to meet at Westminster, Oct. 14th, 1428. When being all assembled before the king, in the Painted Chamber of the palace, John Kempe, abp. of York, then chancellor, opened the cause of the summons, taking for his text these words, out of Maccabees, 'Sine providentia regali impossibile est pasem regibus dare,' from which he deduced two heads of discourse. The 1st was the duty of the prince towards his subjects; and the other the duty of the subjects to their prince. The 1st of these he again subdivided into 3 other points belonging to it; that the subjects should be defended from any foreign invasion; that justice should be indifferently administered; and that peace should be kept within the realm. Three things, he said, also belonged to the subjects; 1st, that they should grant large supplies for their better defence in time of war; in peace, that they would readily obey their magistrates, and meekly to submit themselves to the known laws of the land. All which the better to accomplish, the king had called this parl. and confirmed all their liberties: and that business might be sooner begun and ended, he desired the Commons to make choice of a Speaker, and present him the next day before the king."

*John Tyrril, esq. elected Speaker.*] Accordingly the commons chose John Tyrril, esq. whose excuse not being allowed, with the usual protestation, he was admitted. This parl. is said to have sat, from the date aforesaid, to the 8th of Dec.; but no account of any business done at it is given us. By reason of the Christmas holidays, it was then prorogued, by the lord protector, to the 28th of Jan. 1429.

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*A Subsidy and a Poll-tax granted.*] The first thing we find then mentioned is the grant of a large Subsidy, which was 3s. a tun for all wine imported, and 12d. in the pound for all merchandize. Besides this, there was a kind of a Poll-Tax granted, which, though not general, was laid on every parish that was worth 10 marks per an.; 10 of the chiefest parishioners in it were to pay 6s. 8d. a-head. And in every parish that was worth 10l. a year, the like number of parishioners were each to pay a mark. In all corporations, it was ordained, that every person, worth above 20s. besides his apparel and household goods, should pay 4d. each to the king; and so proportionably for every 20 they were worth more; by which means this tax raised considerable sums in the cities and b.roughs.—Several useful statutes were passed in this parl.: the titles of which will be found in List of Acts given at the end of this reign.

*Motion for explaining the Title of Protector.*] Although the breach between duke Humphrey and the bp. of Winchester had been in some measure closed by a formal concord and agreement, made publicly in the last parl. yet it was too wide at first, ever to admit of a thorough re-union. The prelate, by his interest, had found means to obtain a cardinal's hat from Rome; and by this elevation in the church thought himself more than equal, in dignity, to the Protector of England. The latter's jealousy, in being eclipsed, occasioned a motion being made, in this parl. to both houses, by himself, for explaining the Title and Power of a Protector, or Defender of the Realm; affirming, that he would not sit in the house till he understood what it was, since, as he said, people spoke differently of it.—This affair was taken into consideration by the king's council and the lords of parl.; and after due deliberation this answer was returned to the duke by them, "That they did not think he had any great right to be Protector, yet to satisfy his desire they were content he should be so, and have such power as was allowed him by parl. in the 1st of this reign. But, that the name of the Protector and Defender imported, only, a personal duty of attendance, in the actual defence of the realm against foreign enemies and inward rebels; and not particular authority, such as properly belongs to tutors, lieutenants, governors or regents, for if they had designed otherwise they then would have expressed it at the time aforesaid. Thus, it was allowed that in council, as principal counsellor, he had pre-eminence; but in parl. he had no claim to any higher place than as duke of Gloucester; so they desired him to be content with his place in parl. and with the other power assigned him, for they should agree to no other determination." This order, or award, was subscribed by all the bps. lords, and others of the king's council there present. Lastly, it was enacted, by consent of parl. that the lords of the king's council should have full power to determine all Petitions not yet ended, with the advice of the judges. And accordingly several bills and petitions were answered and indorsed, by certain lords, named in the record, who met in the Star-Chamber for that purpose.

*A female Remonstrance to Parl. against the Duke.*] Stowe tells us of an odd affair that he says happened in this parl. which was this: "one mrs. Stokes, with divers other stout women of London, of good account and well apparelled, came openly to the upper house of parl. and delivered letters to the duke of Gloucester, to the abps. and other lords there present, containing matters of rebuke and sharp reprehension to the said duke of Gloucester, because he would not deliver his wife Jaqueline out of her grievous imprisonment, being then detained prisoner by the duke of Burgundy, and suffering her there to remain unkindly, whilst he kept another adulteress, contrary to the law of God and the honourable estate of matrimony." But what good success this virtuous remonstrance from the ladies met with, our author is silent.

*A Parl. called.*] Another parl. was summoned to meet at Westminster, on the 22nd of Sept. 1429; and being all assembled, the king himself sitting in the chair of state, in the Painted Chamber, John abp. of York, lord chanc. opened the cause of this summons, under these words of st. Luke, 'quomodo stabit regnum,' &c. From which text he argued, "That in the realm of England, 3 causes were to be noted which hindered its advancement: 1st, want of faith was the root of all vice, 'eo quod sine fide impossibile est placere Deo;' the 2nd, want of fear, which was the chief in every good mind, 'nam qui nihil timet, negliget;' and lastly, the want of upright justice, the pillar of every kingdom; for, 'ex justitia sequitur pax, et ex pace rerum abundantia maxime procreatur.' Instead of these 3 virtues, 3 abominable vices were sprung up; namely, infidelity, by errors and heresies; obstinacy, instead of fear; and oppression in the place of justice. Through infidelity, the late troubles in Germany, and the destruction of the kingdom of Bohemia, had happened. Fear, he again divided in two parts; the one spiritual and virtuous, as fearing God, and man for God; the other carnal and vicious, from whence sprung murmurs and rebellion, which would procure such destruction as happened to Dathan and Abiram. From oppression ensued the transferring of kingdoms, according to the wise man, 'regnum alienum in regnum transfertur propter injustitias et injurias.' But that if true faith, due fear, and strict justice was restored, there was then no doubt but this would be a flourishing kingdom. He concluded, that as the prince was bound to defend the subjects, and to keep peace, so ought the subjects to grant largely to the prince out of their goods, that he might be enabled to perform the same, to which end the said parl. was called. He then directed the commons to choose their Speaker, and present him as usual."

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*A Speaker chosen.*] The next day the commons came again before the king and lords, when certain of their members informed the house that they had chosen Wm. Allington, esq. to be their Speaker, but desired a respite of two days before they presented him; which being granted, the said Wm. Allington, on the 4th day of the session, made the usual protestation, and was allowed.

*The King crowned and the Protectorship dissolved.*] During the sitting of this parl. the king, having now entered into the 9th year of his age, it was thought proper to admit him, as it were, into his regal dignity by a coronation. Accordingly, on the 6th of Nov. the ceremony was performed at Westminster, with great solemnity: and very soon after, a motion was made in the house of lords, "That since the king had taken upon him the protection and defence of the realm by his coronation, the name and power of protector and defender, granted to the dukes of Bedford and Gloucester, from the day of the said coronation, should utterly cease. And that they, the said dukes, should have the name of principal counsellors only, any order to the contrary notwithstanding." Which motion, after some debate, was agreed to by the whole house; and the duke of Bedford standing up, in full parl. did relinquish the said titles, as to his own person, so as that the said release should no way hurt his title as duke of Bedford.

*A Subsidy granted.*] It was not till the 12th of Dec. that a supply was granted by this parl. of one whole 10th and one 15th, to be levied on the laity; though afterwards, on the 20th of the same month, the Commons, at the special instance and desire of the bp. of Winchester, just then made a cardinal, granted another 10th and a 15th, to be levied as above. They also gave the king a grant of tunnage and poundage, to continue till the next parl. —On the same day the chancellor prorogued the parl. unto Monday next after the feast of St. Hilary next ensuing, on account of the holydays.

*The Cardinal in great esteem with the Commons.*] Being again assembled, the first thing they did was, to take under consideration the present high estate of the cardinal bp. of Winchester; because that dignity exempted him from being of the king's council, but at his own pleasure. Therefore the rest of the bps. and lords consented to join in an humble request to the said cardinal, that he would vouchsafe to be made one of the council, under a protestation that the said cardinal should absent himself in all affairs and councils of the king, whenever the pope or see of Rome was concerned in them. Which request, so made, the cardinal condescended to grant under the said condition. This high priest was at that time in such estimation also with the commons, that they unanimously joined in a Petition to the king, praying him, that, in consideration of the great and notable services he had done the crown, both under the present king and his father, that he would grant him a full pardon for whatever he had acted contrary to the laws, particularly in regard to the statute of præmunire. This petition was granted; and consequently the cardinal was screened from all prosecutions. Two acts were also passed in the cardinal's favour, at this time, relating to some loans of money he had lent the king on his jewels; which will be mentioned in the sequel.

Authority was given to the kings council to make securities to several creditors of the crown, for the sum of 50,000l. It was also ordained, that the treasurer and victualler of the important town of Calais shall receive a certain quantity of mercantile or staple ware, and other revenues within the said town, for the payment of the garrison there, and the necessary reparations.

*Another Subsidy granted.*] On the 23d of Feb. this parl. granted the king the same Subsidy on wools as was granted in former parliaments for two years. And at the same time they consented to shorten the payment of the last 10th and 15th, to relieve the pressing necessities of the state.

*Articles for the Regulation of the King's Council.*] Before they were dissolved they also agreed upon certain articles, 18 in number, for the better regulation of the king's council. All which said articles, every one of the lords of the council, whose names are there specified, promised faithfully to perform. Cotton has made but two observations on these Articles: the one, that the dukes of Bedford and Gloucester were accounted no higher in council than as two of the same body; the other, that all such officers, civil or military, who have served the king and his father faithfully, should be first preferred to places and benefices in the king's gift.

*Acts relating to Privilege—Weights and Measures—Votes for Knights of the Shire, &c.*] Among the acts passed in this parl. the following cannot be omitted in these inquiries.—The 1st was, "That the bps. and the inferior clergy, coming to attend their service in parl. shall have the same privilege, in regard of the protection of their servants, as the peers of the realm.—That every city, borough, and town in the kingdom, shall have at their own charge a common balance and weights, sealed according to the standard of the exchequer, in the keeping of the mayor or constable. At which balance all the inhabitants of the same city or town were to weigh without paying any thing; but strangers were to pay a small premium there specified." It was also enacted, "That whereas knights of the shire had of late been chosen by outrageous and excessive numbers of people, and of small substance: for the future, the said knights shall be elected in every county by people dwelling and resident in the said counties, whereof every one shall have, in lands or tenements, to the value of 40s. by the year, at the least, above all charges; and that they which shall be so chosen shall be dwell-

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ing and resident within the said counties.—In the parl. 10th Henry VI. an. 1432, it was declared, "That the said 40s. per an. must be freehold." This statute is in force at this day; but the difference in the value of money then and now will be best ascertained by the price of provisions near this period.

*Petitions and Answers.*] Amongst the Petitions there are also some, which, with their answers, deserve our notice.—P. That the statutes, made on all appeals for things done out of the realm, shall be tried before the constable and marshal of England; and that all done within the realm be tried by the laws of the nation. A. The statutes made for that purpose shall be kept.—P. That sheriffs, and such other officers, be not impeached by process out of the exchequer, for things not leviable. A. The king's council shall have power to determine this matter.—P. That all burgesses of parl. may have their writs to the sheriff of the same shire, to levy their fees and wages. A. The king will be advised.—P. That all such soldiers as pass through the realm may pay for their victuals and lodging. A. The king will be advised.—P. That all lands whatsoever do contribute to the payment of knight's fees coming to parl. excepting the lands of bps. peers, and towns who send burgesses. A. The same as before.

*Privilege of Parl.*] Complaint being made to the commons, that one Wm. Larke, servant to Wm. Mildred, one of the burgesses for London, was committed to the Fleet on an execution of debt; he was immediately discharged by the privilege of the house; and authority given to the chanc. to appoint certain persons, by commission, to apprehend him after the end of the parl.

*A Parl. called.*] On the 7th of Nov. writs were issued for a parl. to assemble at Westm. on the 12th of Jan. 1431; being met in the Painted Chamber, Humphrey, duke of Gloucester, called now Guardian or Keeper of England, being seated in the chair of state, the commons being also present, commanded Wm. Linwood, doctor of laws, to open the cause of the summons, John Kempe, abp. of York and chanc. being absent by sickness; who took for his theme, 'Firmabitur solium regni ejus.' On this he endeavoured to demonstrate, "That the king and kingdom ought to be established by a three-fold virtue. The 1st, by unity, the 2d, peace, and the 3d, by justice. Unity he subdivided into other 3 parts, viz. 'collectivam,' as in gathering goods together; the other, 'constitutivam,' as in comparing the several members of a man's body; the 3d, 'consentaneam,' as in union of each body mystical, or politic. Peace, was, also, threefold; peace monastical, which every man hath over himself; œconomical, as relating to the govt. over his household; and political, whereby the good estate of the king is best secured. And, lastly, justice had its 3 parts; the 1st, every subject's due obedience to the magistrates; the 2d, by advising his neighbours and equals; and the last, in relieving the poor. He concluded with observing, that the aforesaid unity was much broke within the kingdom by whisperers and misdoers; from which an utter subversion was like to ensue. That it was the king's full desire that every estate in the realm should enjoy all their just libertics; and prayed the commons to choose their Speaker, and present him the next day to the Guardian."

*A Speaker chosen.*] The same day the commons made a report of their Speaker, as in the last parl.; and on Jan. 15, they presented John Tyrrel, esq. whose excuse being refused; with the accustomed protestation, he was allowed.

*A Subsidy granted.*] The first thing that they went upon in this parl. was the supply; and a grant was agreed on, of one 10th and one 15th, and a third of both. They, also, gave tonnage and poundage for two years, with a subsidy of the like value on all merchants, aliens, over and above the said tonnage and poundage. The commons, also, granted to the king 20s. from every layman holding a knight's fee, and according to the value under or over. The same from the clergy for all lands purchased since the 20th Edw. I. And that all other persons having hereditaments to the value of 20l. over all reprises, not held as above, shall, also, pay 20s. and so according to rate. This is another instance of a tax on lands and tenements. It was ordained, that the king's council, and other head officers, should have yearly out of the exchequer, by way of reward, such fees as are there particularly mentioned. And, at the same time authority was given to the king's council, to make securities to the king's creditors, for the loan of 50,000l. as in the last parl. Several acts relating to Bastardy, Executors of Wills, Hindrance of Navigation by the Welch, &c. were passed in this parl. for the titles of which see the list of acts.

A charge of bastardy was alledged against Eleanor the wife of James lord Audley, who claimed the inheritance of Edmund earl of Kent, as being his eldest daughter, and a legitimate issue, or mulier, by Constance his wife; for the proof of which, she had procured a certificate from the ordinary. Against this claim, the other daughters of the said Edmund earl of Kent presented a petition to parl. alledging, that the said Eleanor was a bastard; that her mother Constance, the late wife to Tho. Despenser, was never married to the said earl; and that the said certificate brought from the ordinary, was obtained by fraud. All this being fully proved, in order to prevent such proceedings for the future, an act was made.

*Petitions.*] The following are the most remarkable petitions presented to this parl.—P. That all outlawries in actions personal, pronounced before the statute of Additions, made the 1st of Hy. V. may be pardoned. A. The king will be advised.—P. That in the

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writ of forging of false deeds, the 'venire facias' may be of both counties, as well where the land doth lie, as where the writ is brought. A. The same as before.—P. That the statute made 8 Hy. VI. c. 2, touching Denmark, may be utterly void and revoked. A. The king expects to hear from his ambassador at that court; and in the mean time will be advised.—P. The commons of Northumberland, Cumberland, Westmoreland, and the bishopric of Durham, pray, that the merchants of Newcastle, may, at all times buy, and transport their own wools. A. The king will be advised.—P. That attachments and prohibitions against tythe of great wood, may be granted to every person out of either of the benches. A. The same.—P. That two persons in every hundred of the realm, may by commission, be appointed to search the due making of woollen cloths, and to seal the same, taking 1d. A. The king will be advised.

In consideration of 200l. paid by the merchants of the isle of Ely to certain persons of the county of Cambridge, to buy 20 marks of land by the year; it is enacted, "That the said inhabitants for ever shall be discharged from paying any thing towards the fees of knights of the shire for Cambridgshire."

*A Peace with the Scots.*] We have no account how long this parl. sat; but historians tell us, that before the dissolution of it, ambassadors came from James king of Scots to the duke of Gloucester, to desire that a peace might be concluded between the two nations. But the duke, not willing to determine so important a matter, without the consent of the people, referred it to the three estates, who, after long consultation and many debates, settled a peace with them.

*A Parl. called.*] On the 25th of Feb. 1432, writs of summons were issued out for a parl. to meet at Westminster, the 12th of May following. At which time being assembled, in the usual chamber within the palace, the king himself on the throne, and all the lords and commons attending, John Stafford, bp. of Bath and Wells, then chancellor of England, was commanded to open the cause of the summons; which he did in this manner, taking for his text these words of st. Peter, 'Deum timete, regem honorificate."—On which words he remarked 2 points, the 1st, a general counsel to princes, that they might learn knowledge; to obey and serve God, according to the words of the prophet, 'Nunc reges intelligite, eruditimini qui judicatis terram, servite domino, in timore.' The 2nd, a commandment to subjects to learn to obey and honour the prince, according to the saying of the apostle, 'omnis anima sublimioribus potestatibus subdita sit, non enim est potestas,' &c. And again, 'Reddite omnibus debita, tributum cui tributum est.' &c. Which points he learnedly enlarged upon, and endeavoured to prove by many examples, authorities, and similitudes, that the king and realm of England might easily attain to the height of peace and prosperity, if true fear of God and honour to the prince were in the hearts of the subjects; wherefore for the attaining thereto, and suppressing such rebels as despised the rights of the church, and would destroy the ministers of the same, was one cause for the calling this assembly. The other was, for the due execution of the laws, which was 'salus cujuslibet civitatis et regni.' And the last was, how to find ways and means to enrich the subjects, who for a long time had lived in great want and penury." He concluded, as usual, with acquainting them, that the king desired that every estate should enjoy its own due liberties; and that the commons should chuse their Speaker, and present him the next day to the king.—On the 2nd day of their sitting, the duke of Gloucester stood up in the house of lords and said, "That he had been informed the commons had made a declaration, that if they could understand the lords of the king's council intended to serve in their station with perfect unity, it would greatly encourage them to do their parts effectually. That he promised, for his part, that although he was chief president of the council, yet he would act nothing without the consent of the majority of them." This declaration of the duke's was, the next day, made to the commons, by the chancellor.

*John Russell esq. elected Speaker, and a Subsidy granted.*] The day after, the commons presented to the king John Russel, esq. for their Speaker, who, making the usual protestation, was allowed of. They then, with the consent of the lords, granted one 10th and half a 15th; also one year's subsidy on wools, and the same tonnage and poundage, as in the last parl. But the king released the increase of 6d. on every pound, laid then on all merchant strangers.

*Another quarrel between Cardinal Beaufort and the d. of Gloucester.*] A great complaint was made to the houses, by the cardinal bp. of Winchester, that he being in Flanders, in his way to Rome, was obliged to return back in order to clear himself from a report that had been spread that he was a traitor to the realm; of which the duke of Gloucester, by the king's command, declared him guiltless. But sir R. Cotton here remarks, "that the true reason of the cardinal's sudden return was, that having several of the king's jewels in pawn, he had ordered them to be sent after him; which jewels, by command from the king, or rather the duke of Gloucester, were arrested at Sandwich. This brought the cardinal back in a mighty potter; and it appears by the next article in the record, that an order was taken that the cardinal should pay to the king 6000l. more for them, and lend to him besides 14,000l. which was done accordingly; and then he was allowed to take them, or leave them behind him, at his pleasure. The king also, with the consent of the other estates, granted a pardon for all offences, and for all penalties and pains incurred by him on the statute of 'præmunire;' thus far sir Robert, but Rapin acquaints us,

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that when the jewels the cardinal had in pawn were seized at Sandwich, he was then in Flanders upon the king's affairs; but, on the news of the seizure, he came over in all haste to London, without leave; which gave the duke of Gloucester occasion to seize his baggage. That, on the day after his arrival, he went to the house of lords; and said, he was come to clear himself from the crimes laid to his charge, and vindicate his innocency, against whoever should be his accuser. That the duke of Gloucester not thinking it proper to support what he had advanced, the prelate was answered, that since none appeared to accuse him, he was acknowledged as a loyal subject. He thanked the house for this declaration, and desired it might be drawn up in form; which was granted. Then he complained, that at his arrival at Sandwich his baggage was seized; and petitioned the restitution. He maintained that the seizure was made without cause, and offered to lend the king 6000l. for 6 years, on condition, that if the seizure appeared to be lawful, the money lent should be forfeited to the king's use. He offered moreover to lend him the like sum, and to defer the demand of the 13,000 marks, due to him on another account, provided the payment of the whole should be assigned out of the next subsidy granted to the king. His offers were accepted, and the seizure restored. Thus the duke of Gloucester, instead of hurting his enemy, had the mortification to see him receive the applauses of both houses. Meanwhile this discord produced very ill effects. As the duke of Gloucester had friends and adherents in the council, the opposition, generally between the two parties, could not but be very prejudicial to the king's affairs. For, whilst the duke and the cardinal thought only of their own private concerns, the war in France was neglected, though it was more necessary than ever to support it with the greatest efforts."

In this parl. the commons petitioned the king, that the fees and wages of the king's judges, serjeants, and attornies, might be paid, which was ordered accordingly. And by order of the houses, certain accountants of the king's household, by name, were pardoned their offences.—On the petition of Rd. duke of York, brother to Edw. late duke of York, and cousin German to Edm. late earl of March, to have livery of all the hereditaments belonging to the said duke and earl, by ordinance of parl. they were restored to him. This was the duke of York, who first began the open quarrel between the two houses.

*Petitions and Answers.*]—P. That the defendant in an appeal of maim may make his attorney. A. The king will be advised.—P. That the statute, 7 H. IV. c. 9, relating to Merchants Strangers may be executed with this adjunct, viz. pains and penalties on the English merchants, and officers of every town for not executing of it. A. The king will be advised.—P. That none be compelled to be examined in parl. or elsewhere, touching his frank tenant. A. The same.—P. That such persons as shall have their goods taken by the merchants of Hans, in their parts, may have their remedy by action at law in London, against the Hans merchants residing in that city. A. The same as before.—P. That no merchant or other person be impeached for the seal of any cloth, broad or narrow, after such time as the alnager has sealed the same, and custom is paid for it. A. The same.—P. For speedy redress of and in all actions belonging to such persons, as were members of the house of commons. A. The same.—P. That all parsonages appropriated to some religious house, not endowing of vicars on the same, may be within 6 months unappropriated. A. As before.—A motion was made, and a device offered, for the true making of Gascoign wine. A. The king will send this over to the officers of Guienne, and appoint them to take order therein.—P. That prohibitions and attachments may be had upon the statute of the 45 Ed. III. against parsons suing for tithe-wood above the age of 20 years. A. The statutes, to that purpose provided, shall be observed.—At the petition of the commons, the king released utterly, on account of certain doubts, the subsidy granted in the last parl. on lands and tenements, so as it never should be mentioned again.

*A Parl. called.*] By writs dated May 24, 1433, another parl. was called to meet at Westminster on the 8th of July following. Being all assembled before the king, in the Painted Chamber of the palace, the dukes of Bedford and Gloucester, both of them present; the same chancellor, as in the last parl. declared the cause of the summons, and took for his theme, 'Suscipiant montes pacem populo, et colles justiciam.'—'This subject he divided into 3 parts, according to the 3 estates of the realm; by the mountains, he understood bps. lords, and magistrates; by the lesser hills, he meant knights, esquires, and merchants; by the people, he meant husbandmen, artificers, and labourers. To which 3 estates he endeavoured to prove, by many examples and authorities, that a triple political virtue ought to belong; to the 1st, unity, peace, and concord, without dissimulation; to the 2nd, equity, consideration, and upright justice, without partiality; to the 3rd, a due obedience to the king, his laws, and magistrates, without grudging. By strictly observing of all which, he affirmed, that infinite blessings and great acquisitions would accrue to the nation; and that this very assembly was called as a means for that purpose. Wherefore he enjoined the commons to make choice of their Speaker, and present him to the king as usual."

*A Speaker chosen.*] The receivers and tryers of petitions being appointed, for the different kingdoms and countries under the dominion of the English king, as was in those days the constant custom of parl. on the 11th of July the commons presented Roger Hunt, esq. for their

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Speaker; who, with the usual ceremony, was allowed.

The 13th of July, the duke of Bedford rose up before the king, in the house of lords, and said, "That for two especial causes he had come into the king's presence, and left his charge beyond sea: the one was for the safeguard of the king's person; and the other, to clear himself from some slanders which were cast upon him, as that he had been the occasion of the late great losses in France and Normandy, by his default and negligence; and offered to take his trial for the same." On which the chancellor, by the king's command, declared, "That his maj. took him for his true and faithful subject, and most dear uncle; and for his coming, at that time, gave him most hearty thanks."—After this parl. had sat a month, the plague began to break out in London; therefore the chancellor, by the king's commands, on the 13th of August prorogued it to the 15th day after st. Michael ensuing, at Westminster. But, because the king's occasions for money were very urgent, it was ordained, that the treasurer of England should keep in his hands 2000l. for the service of the household.

On the 3d of Nov. the Speaker of the commons came before the king, in the other house, and shewed to his maj. a precedent, in the reign of Edw. II. whereby that king commanded the bps. and clergy, to pronounce sentence of excommunication against certain offenders at that time. The Speaker then desired his maj. to act in the same manner, and cause the clergy to excommunicate some that were then culpable. But all that was done in this affair was, that the king took the precedent and promised to be advised.

*The whole Nation sworn to the observance of the Act against Quarrels.*] And it was also enacted, by general consent, that all the lords, knights, esquires, yeomen and other persons throughout the realm, should, by special commissions, be sworn to perform the said articles. This act seems calculated to prevent the evil effect of the then mortal quarrel between the cardinal bp. of Winchester and the duke of Gloucester.

*D. of Bedford, Regent of France, receives the Thanks of the Commons.*] Nov. 24, the commons came again before the king and lords, and by their Speaker complimented the duke of Bedford on his warlike behaviour and notable deeds done in France; and particularly for his conduct in the battle of Vernoyl. Besides, they commended him for his politic govt. in the regency of that kingdom; and for which they desired the king to insist upon the said duke's personal attendance about him; and, after some consultation amongst the lords, the duke, at his majesty's request, accepted the office. But at the same time he required that 6 Articles might be agreed to by parl. relating to the govt. which was granted. And by these articles the duke of Bedford recovered some part of the prerogative which the duke of Gloucester had lost, through the malicious intrigues of the cardinal and the clergy, who were his sworn enemies. After this the duke of Bedford took occasion to declare before the parl. that whereas he and the duke of Gloucester, for their attendance as principal counsellors, or presidents of the council, had some years an allowance made them of 8000 marks yearly; at other times 6000 marks, sometimes 5000, but never less than 4000 marks yearly, he would now, for his personal attendance, only require an allowance of 1000l. a year, and 500l. for passing the sea into France, or repassing it, as oft as there was occasion. Which demand being thought very reasonable by both the houses, was readily granted.

*A Subsidy and a Vote of Credit granted.*] The Subsidy granted by this parl. was a 10th and a 15th, to be levied on the laity. They likewise granted the same tonnage and poundage as was given the last year, for two years to come; as also a subsidy of 53s. 4d. on every sack of wool for 3 years ensuing. Authority was also given to the king's council to enter into securities for 100,000 marks for the present occasions of the govt. A Vote of Credit which, the reader may observe, has been more frequent in this reign than in any preceding one. Daniel remarks, but erroneously, on the proceedings of this parl. that no taxes were given the king by it. "Perhaps," adds he, "it was because the duty of tonnage and poundage, which was given this king in his 3rd year was still continued. And, whereas, before they were granted for certain years only, they were now indefinitely given him for the service of the war; and from thence, as Stow says, they received the name of Customs, i. e. usual and constant payments."

*The Liberties of the County Palatine of Durham, ascertained by Law.*] A Petition of Thos. Langley, then bp. of Durham, was presented to the house of lords, setting forth, "That whereas the king had granted a commission to certain persons, there named, and they by virtue thereof sat and made enquiry at Horton Pool, within the county palatine of Durham; he therefore prayed that the said commission might be revoked." Hereupon sir Wm. Earl, knight, the king's attorney-general, very learnedly endeavoured to prove "That the said bp. ought to have no county-palatine, nor liberties royal." On the contrary, the bp. produced his authorities to prove his right, and the matter was strenuously debated between them. At last judgment was given for the bp. and the said inquisition returned into chancery, or elsewhere, was declared null and void.

*Revenues of the Crown.*] Ralph lord Cromwel, high treasurer of England, petitioned the parl. that they would take into consideration the state of the Revenues of the Crown and the disbursements, the said revenue being not able to supply the expence by 35,000l. yearly; wherefore he prayed, that order might be taken for the king's household; that he might enjoy the office as freely as others before him; and that



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no grant be passed by the king without the knowledge of him the said treasurer. He also, by 3 long schedules annexed, shewed the particulars of the whole revenues and profits of the crown, with the charge out of the same in all ways and means. This was thought proper to be laid before the commons, and all the requests aforesaid were granted. The said lord Cromwel by another petition, also, shewed, that warrants for payments were come to him for more than 2 years profits of the crown; wherefore, he desired, that the consideration of the king's estate might be speedy, and that a prescription for his payment should be made.

*Particular Acts passed.*] In the Statutes at Large are several acts made this parl. on the petitions of the commons, very conducive to the public good, of which the following are abstracts:—I. It was provided by an act, "That such persons as were keepers of the stews or whore-houses in Southwark, should not be impannelled upon any jury, nor keep an inn or tavern in any other place, least men of such vile consciences and practices should corrupt justice, and propagate their villanies over the nation."—II. It was enacted, "That even disseisors should not be put out of possession by any collusive tricks of law, as was then usual, by making the sheriff the disseisor, and then entering upon the lands for the default of the tenant's not answering:" wherefore it was ordained, "That all such writs shall be abated and quashed:" and III. In the behalf of the person disseised wrongfully of his lands, whereas before the law was, that the disseisee might sue the disseisor in his life time, if he took the profits at the time of the suit commenced, which to avoid, the disseisors made over the land by feoffments to others, and so avoided the suit: whereupon it was enacted, "That the disseisees should have their action as well against the feoffee, as disseisor himself, if either of them take the profits of the land."—IV. And because divers tenants of lands for term of life and years, made over the said lands to other under-tenants, to the end that they might not be liable to writs of waste, for the damages done upon the said lands by their order and connivance before the grant of the said leases; it was hereupon enacted "That the tenant in reversion might have his action against the tenant for life or years, for the damages done, as well before as after the lease made to any under-tenants, and recover treble damages for the said waste, provided that it were proved, that the said first tenants took the profits of the land to their own proper use at the time of the waste done."—V. Whereas divers suits and indictments, as well for the king as his subjects, were discontinued by making of new commissions for the peace, to the great delay of justice, and wrong of the subjects, it was enacted, "That no pleas, or processes should be discontinued by any new commissions, but the justices so made, should have power and authority to continue all pleas depending, and determine the same."—VI. An abuse also being crept into the nation about measures contrary to the statutes; and purveyors, bakers, merchants, and buyers of corn, taking 9 bushels for the qr. it was enacted, "That the statutes for weights and measures should be proclaimed in every market-town; and that there should be a bushel, common balance, and weights in every market-town, city, and borough, kept by the mayor and justices, according to the standard in the exchequer; and if any person shall presume to sell or buy by any other weight or measures, they shall forfeit 5l. to the person that shall sue for it, and 5l. to the king."—VII. Recognisors having found out a way to defeat the executions of such persons as they were indebted to by recognizance, by bringing their writs *de corpus cum causa* out of chancery, and giving sureties to the king only, were delivered out of prison, and their creditors defeated of their debts; it was therefore ordained, "That sureties should be given, as well to the party as to the king, that their debts may be surely paid."

The French war still continued, and about this time with good success to the English, under the conduct of the victorious lord Talbot and the earl of Arundel. But the latter having the misfortune to be killed before the castle of Gerberoy, and the dukes of Bedford and Burgundy commencing a quarrel, which ended in an open rupture between them, affairs were again thrown into a different situation in that kingdom. In this interval we find that writs of summons were sent out, to call a parl. dated Nov. 1st, to meet at Westminster on the 8th day of July following; which was afterwards prorogued to Reading, 15 days after Michaelmas, in the 12th year of this reign. The Abridger of the records has given us no proceedings of this parl. for which reason we suppose they were not entered on the rolls, nor are there any acts in the statute books relating to it.

*A Parl. called.*] It was not till two years after that a parl. sat to do business, which was called by writs dated at Westminster, July 5, 1435, to meet at the same place on the 10th of Oct. following. On which day, being assembled before the king, sitting in his chair of state, in the Painted Chamber, the bp. of Bath and Wells, then chancellor of England, by the king's command, opened the session with a speech, and took for his theme this text, 'solliciti sitis servare unitatem spiritus in vinculo pacis;' and amongst other matters he told them, "that the duke of Burgundy, who had sworn allegiance both to the king and his father, had basely broke his oath and revolted; that he had appointed a diet, or sitting, at Arras, without the king's knowledge, where two cardinals came to treat about a peace between England and France; that after the king was acquainted with it, he sent some persons of quality as his ambassadors at this meeting, who there proposed reasonable and honest terms of agreement, which the

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French refused and scoffed at; by which nothing was done at that diet. After which the king was told, that the said duke of Burgundy had entered into a league with the French; and, as such, there remained nothing for the king to do, but either to lose his stile and title and kingdom of France, or else resolve to defend the same by force. How to act in the best manner in these affairs, he added, was the cause of this assembly; for which end he desired the commons to choose a Speaker, and next day to present him to the king."

*A Speaker chosen.*] Accordingly they presented John Bowes, esq. whose excuse being refused, he made the usual protestation, which was allowed. The first thing we find upon the record that this parl. went upon, was to give authority to the king's council, to make securities to the creditors of the crown for 100,000l. By the king's letters patents security was also given to certain persons there named for 8000 marks, sent by them to the king, out of the revenues of the duke of Bedford, and the earl of Arundel deceased.

*A Subsidy granted.*] An unusual subsidy was also granted by this parl. viz. that every person holding any frank tenant in lands, annuities, fees, offices, or hereditaments, above the yearly value of 5l. should pay 6d. for every pound, upon his oath. Also a 10th and a 15th was granted the king on the laity; deducting thereof 4000l. for the relief of decayed towns and villages. A subsidy also on every sack of wool, 33s. 4d. from merchants denizens, and 46s. 8d. from aliens; and so according to that rate on other staple ware, was granted to the king, with tonnage and poundage for 2 years.

*Particular Acts passed.*] Some public acts were made this session, in order chiefly to regulate abuses in other acts, or to explain them better. The most remarkable are, "That the judges, in their circuits, shall have power to give judgments in all cases of felony and treason, as well upon persons acquitted as attainted, and award executions according to that judgment."—"That all wools and woolfells that shall be shipped to be transported, shall be carried to Calais only; and no licenses shall be granted to the contrary, except by the king and council."—"That all wool and wool-fells, and other merchandizes of the staple, which shall be shipped in any creeks or ports clandestinely, in order to cheat the king of his subsidies and customs, shall be forfeited to the king."—"That all persons who shall dare to disturb any foreigners in selling fish or other victuals, either by wholesale or retail, shall forfeit 10l. one moiety to the king, and the other to the person that shall sue for the same."

*A Parl. called.*] Another parl. was called to meet at Cambridge, Jan. 21st, 1456; but, for reasons of state, not mentioned, was ordered by other writs to meet at Westm. on the day aforesaid. John, bp. of Bath and Wells, chancellor of England, opened this session with an elaborate speech, from this text, 'Corona regni in manu Dei, &c.' On which he demonstrated, "That 3 sorts of men are crowned; viz. all Christians in their baptism, in token whereof they are anointed; all clerks in their order, in token whereof they are shaven; and all kings in their coronation, who in token thereof wear a crown of gold, set about with flowers and precious stones. The figure of the crown he resembled to the body politic of the nation; the flowers and stones to the honours and offices of a prince, as gold estimable and durable; and that commonwealth is most firm and stable which is governed by the faithful care of a prince; for, as gold is flexible to the workman, so ought every part of the commonalty to be at the beck of the prince, seeking the prosperity of him." The erecting and standing of the flowers in the upper part of the crown denoteth the king's preeminency over his subjects, which ought to be garnished with 4 cardinal virtues: that is to say, in the fore-part ought to be wisdom, adorned with three precious stones, viz. memory of things past; circumspection of things present, and prudence in things to come. On the right-hand ought to be fortitude, accompanied with courage in attempting, patience in suffering, and perseverance in well-meaning. On the left side ought to be justice, distributing her arms three ways, to the best, mean, and lowest. On the hinder-part ought to be temperance, with her trinity, viz. restraint of sensuality in fear, silence in speech, and mortification in will; all which, proceeding from God, fully proved, that the crown of the king was in the hand of God." He concluded with declaring, "That this parl. was called for 3 principal causes; the 1st, for justice and peace amongst subjects; the 2nd, how the commodities growing within this realm might have a ready vent; the 3rd, how the realm might be defended, and the sea kept against enemies and rebels." To which end, he desired the commons to choose their Speaker, and present him the next day to the king.

*A Speaker chosen.*] The receivers and triers of petitions being appointed, the Commons presented sir John Tirrel to be their Speaker, whose excuse being refused, he, with the common protestation, was allowed. But, March 19th, a committee of commons was sent to the king, declaring that their house had newly chosen Wm. Beerly, esq. to be their Speaker, in the room of sir John Tirrel, disabled from attending by grievous sickness, which was allowed by the king under the usual protestation.

*Subsidies granted.*] The subsidies granted by this parl. were the like 10th and 15th as in the last. Also the same subsidy on wools, &c. was granted for 3 years to come. Authority was likewise given to the king's council to make assurances to the king's creditors, for the sum of 100,000l. And by the same authority, the treasurer of England was to pay to the cardinal bp. of Winchester 2000 marks.

*Particular Acts passed.*] The particular

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acts that were made this session were: I. "A remedy was provided against vexatious and troublesome suits of such persons as were not of the king's household, in the court of stewards, and marshals of the king's house; and it was allowed as an exemption from their jurisdiction to plead and aver, that they are not of the king's house."—II. "An allowance was given to all the king's subjects of England to transport corn, when at a low price, out of the realm, viz. wheat at 6s. 8d. and barley at 3s. 4d. the qr."—III. "An injunction to all sheriffs, bailiffs of franchises, and coroners, that in actions, or writs of attaint of plea for lands of the yearly value of 40l. they do not return nor impannel any persons, but such as be inhabiting in his bailiwick, and have an estate to their own use, in lands and tenements, to the yearly value of 20l. or more, on the penalty of forfeiting 10l. to the king, and 10l. to the plaintiffs in the said action or writs of attaint; and that no person of less sufficiency of freehold than 20l. a year, shall be sworn in the king's court upon any issue in the said actions, if he be by the plaintiffs in due form challenged."—IV. "A permission was given to all persons, as well religious as secular, to appoint themselves general attornies to sue or plead for them, in every hundred or wapontake."—And, V. "A prohibition was laid upon all merchants to ship, or cause to be shipped, any wool, wool-fells, or other merchandizes belonging to the staple, in any place within this realm, except at the keys and wharfs assigned by the statute, where the king's weights and wools are set; excepting the merchants of Genoa, Venice, Tuscany, Florence, Catalonia, and the burgesses of Berwick.

*Petitions.*] On a Petition of Humphrey, duke of Gloucester, and dame Eleanor his wife, the king granted his letters patents, confirmed by this parl. giving licence to the said duke to impark 200 acres of land in Greenwich, and that they may embattle their manor-house there, and build it with stone; also to raise a tower of stone within the said park. John, earl of Oxford, petitioned for a pardon for 500l. the remainder of a fine of 3000l. paid to the king for marrying without licence. It was answered, that the said debt was assigned over, but that the king would remember him some other way. Sir Rd. Woodville paid to the king 1000l. as a fine for marrying Jaquet, or Jaqueline, duchess of Bedford, without licence. This foreign lady shewed as little continence in her widowhood, as queen Catherine had done; being quickly married again to the aforesaid knight, afterwards created earl of Rivers, by whom she had several children; and amongst them the lady Elizabeth, who, being wife to Edw. IV. was afterwards queen of England. On the Petition of Isabel, late wife of John Beteler, of Beanly, in the county of Lancaster, knight, which Isabel, one Wm. Pull, of Winall, in the county of Chester, gentleman, shamefully did ravish; it was enacted, "That if the said Wm. do not surrender himself, after proclamation made against him, that he should be taken as a traitor attainted." The said Isabel, by another petition, shewed how the said Wm. by duress and means of imprisonment, enforced her to marry him, and under colour thereof, ravished her; for which she prayed to have her appeal, which was granted.

*A general pardon.*] The last thing we find on the record, transacted this parl. was the king's general pardon of all treasons, felonies, forfeitures, and other offences; but this does not appear in the statute-books. And authority was given to the lords of the council, to answer all such petitions as were not answered in this parliament.

*A Parl. called.*] We have now a period of 3 years before we meet with another parl. But in 1439, the govt. wanting fresh supplies, a parl. was summoned, to meet at Westm. on the 12th of Nov. At which time and place being all assembled, the bp. of Bath and Wells still chanc. was commanded by the king to open the session by a speech. He took for his subject this text, 'Adaperiat Dominus cor nostrum in lege sua, et in præceptis suis, et faciat pacem,' &c. From which words he endeavoured to draw two especial points; the 1st, "What great desire every christian ought to have to the reformation of his life, by the only means of God; who, against all hardness was to bend, and to incline his heart to God's laws and commandments. The 2d, what thirst every sick christian ought to have, to crave and seek peace, after his manifold conflicts and battles in this world. As to the 1st, that God should open the heart, and not the hearts, since the words were spoken to the children of Israel; he noted that thereby was meant a mystical unity, according to these words in Judges ii, 'Convenit universus Israel ad civitatem quasi homo unus, eadem mente, unoque consilio.' Which being spoken to them, was left for our learning, that we might follow the same, and might attain to true peace. To the 2d, by this word Israel is understood their states, namely, of princes, of nobles, of power and of wisdom; all which, if they the same agreed in unity, there was no doubt but peace of body and soul would ensue. For the restoring of which, he told them, that this parl. was called; remembering them, that the king would have all estates enjoy their liberties; then desired the commons to chuse, and the next day present their Speaker to the king."

*A Speaker chosen.*] The prelate having ended his spiritual harangue, the next day the commons presented to the king, Wm. Tresham, esq. who with the usual solemnity was allowed.

*Supplies granted.*] The subsidies granted by this parl. were a 10th and a 15th; and half a 15th was granted to be levied of the laity, in such form as was in the 4th year of this king. An impost on wools was also

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granted for 3 years, as in the 14 Hen. VI. The commons also granted to the king, that all aliens, not denizens, within the realm, should pay to the king yearly, 16d for each, being an housekeeper; being none, 6d. The same authority was also given to the treasurer of England, and others, to make securities for 100,000l. as in former parl. An order was also taken for the payment of the king's debts, contracted for the provisions of his household.

Dec. 21, the chanc. by the king's command declared to the lords and commons, that the king had prorogued the parl. from that day unto the day after st. Hilary next coming, to be holden at Reading.

*Particular Acts passed.*] The most remarkable acts made in this session are these:—I. "That cheese and butter may be carried out of the kingdom without licence."—II. "That merchant strangers shall not sell their merchandizes one to another in England, but that every such merchant shall have an host or surveyor, appointed him at his landing, by the chief officer of the town or place where he shall land, who shall keep a register of all he buys and sells, and take 2d in the pound of him for all merchandize by him bought or sold, and the said merchants shall sell and buy all within 8 months."—III. "That all persons, made justices of the peace, should have lands and tenements to the value of 20l. a year, except in cities and corporations."—IV. "That no captain shall detain the wages of common soldiers, except it be for their clothing, under the penalty of 20l. for every spear, and 10l. for a bow; to be paid to the king."—V. "That every person mustering and receiving the king's wages, who shall depart from their captains and the king's service, without apparent licence granted them by the said captains, shall be punished as felons."—VII. "That no person shall be a collector of dismes and quinzimes, (10ths and 15ths) in any county, who is so in the city of the same; except he be able to dispend, in lands and tenements, in the said county, 100s. a year, over and above all charges and reprises.

*Petitions.*] P. That no person once making fine for not being knighted, be ever again called for it; and that the fines be no other than usual. A. The king will be advised.—P. That every merchant may lawfully transport all manner of hides, calf-skins, long-fells and tallow, to what place he liketh, besides to Calais. A. The king will be advised.—P. That no owner of any ship be impeached for any hurt done by his ship to any other ship on the sea, or in port, or creek, if he was not a party thereto. A. The same as before.—P. That every collector of customs, and comptrollers of every port, may licence the king's subjects to transport corn from one shire or town to another, taking surety of debt, to the value, that the same be not carried beyond sea. A. As before.—P. That no Italian, or other merchant, beyond the streights of Morocco, (now Gibraltar) bring any merchandize into the realm, but such as is the produce of their own countries; for very good reasons mentioned in the record. A. The same as above.—P. That all spiceries sold in any port within the realm, by any merchants strangers, be as clear garbelled as the same is in London. A. The king will be advised. An act was made this session that the fourth part of the 10th and 15th shall be paid to the treasurer of the king's household, in order to make ready payment for the king's purveyance. And, by the said act it appears, the revenues of the dutchies of Lancaster and Cornwall were also appropriated to that use.—On the petition of the judges it was enacted, "That all the justices of both benches, justices of assize, the king's serjeant and attorney, shall yearly, at two feasts of the year then expressed, be paid, and allowed their fees and liveries, by the hands of the clerk of the Hanaper, for the time being, out of the customs of London, Bristol, and Kingston upon Hull.—The last thing worthy of notice among the transactions of this parl. is, that in consideration of the great plague of pestilence, so called, it was enacted, "That all such persons as should do homage to the king, should do the same without kissing him; and the same homage to be as good as though the kiss was given."

*A Parl. called.*] In 1442 another parl. was called by writ, to meet at Westminster, on the feast of the conversion of st. Paul, but no more than the names of the peers, so summoned, is given in the Abridgment of the Records. In the Statutes at Large, there are 13 acts said to be made in this parl. yet none of them being of a particular nature, we must refer the curious enquirer to the statute-book aforesaid for them.

*A Parl. called.*] It was not till 3 years after this period, that we meet with any account of a parl. when writs were issued out, dated at Westminster, Jan. 13, 1445, for one to meet at the same place on the 25th of Feb. following. In presence of the king sitting in person in his chair of state, and of the lords and commons, John Stafford, late bp. of Bath and Wells, but now abp. of Canterbury, primate of all England, deputy to the see of Rome, and chancellor of England, declared the cause of calling this parl. and took for his subject these words from Psalm lxxxiv. 'Justitia & pax osculatæ sunt.' On which he told them, "That through the great diligence and conduct of the earl of Suffolk, the king's dear cousin, and other noblemen, sent as ambassadors into France, as well upon a treaty of marriage to be had between the king and Margaret, daughter to the king of Sicily, as for to settle a peace between England and France, the said marriage was contracted; and a suspension of arms, for a time, was granted. He further said, that the said earl staid in France for the safe conduct of the said princess Margaret into the realm of England, by which two means he nothing doubted, but that, through God's grace, the said truce would end so well

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that justice and peace should be within this nation more than it had been." He then bid the commons chuse and present their Speaker to the king.

*W. Burghley, esq. Speaker.*] On the 2nd day of this parl. the Commons notified to the lords, that they had chosen their Speaker; and the next day they presented Wm. Burghley, esq. to the king, whose excuse being rejected, he was allowed as Speaker, under the common protestation.—This session, we find, by the Record, was continued to March 15th, but no notice is taken of any more business done in it; when the chancellor, by the king's command, prorogued the parl. to the 19th of April.

*A Subsidy granted.*] This parl. being again assembled on the 19th of April, the first thing we find entered upon the Record, is the grant of a Subsidy of a 10th and a 15th, and half a 10th and half a 15th, reserving out of it 5000l. to be allowed to certain poor towns, there named, which were wasted. A subsidy on wools also of 3l. 4d. of denizens, and 53s. of aliens, for every sack of wool, &c. with tonnage and poundage of denizens, and double of aliens, was granted to the king for four years.

*A Peace with France.*] The next thing the parl. did was to take into consideration the affair of the peace with France; and we find that the chancellor of England, in the presence of the king and the whole parl. made a protestation, "That the peace which the king had made with the French king, or rather was about to make, was merely of his own motion and will; and that he was not instigated thereto by himself, or any of the lords whatsoever." Which protest was enrolled.—On this, it was enacted, by the authority aforesaid, "That the statute made of H. V. inporting, That no peace should be made with the French king that now is, and was then called the dauphin of France, without the assent of the three estates of both realms, should be utterly repealed and revoked. And that no person whatsoever should be impeached at any time to come, for giving counsel to bring about this peace with France."—This extraordinary act which, by the bye, is not inserted in the statutes of this parl. seems to have been calculated for a compliment to the earl of Suffolk, now made a marquis for this piece of service, and to indemnify him from any further trouble about the match. We are told, by the Records, that on the 2nd of June the marquis came into the house, and made a declaration of his services to the king, lords and commons, and his request was, that they would judge all he had done to be reasonable and just. That on the 4th of June, the Speaker of the house of commons came before the king and lords, and there, in behalf of their whole body, highly commended the person and numerous services of the marquis and earl of Suffolk, particularly for the king's marriage, and for obtaining the truce with France; for all which, at the request of the commons and mediation of the lords, a vote was passed, "That the said marquis should be esteemed as a most true and faithful subject to the king."

*Particular Acts passed.*] No less than 18 acts, some new, and others explanatory, were passed in this session. The heads of those that chiefly regard the public concern are these:—

'A rehearsal of the statute made 15 H. VI. c. II. touching licence to transport corn, when wheat doth not exceed 6s. 8d. and barley 3s. 4d. the qr. made perpetual.—'No man shall be sheriff or under sheriff, &c. above a year.'—'No sheriff shall let to farm his county or bailiwick:'—'The sheriffs and bailiffs fees in several cases limited.'—'An act for the ordering and levying the wages of the knights of parl.—'Who shall be knights for the parl.'—'The manner of their election—the remedy where one is chosen and another returned.' &c. —The king's letters patents under the great seal of England, and under the seal of the dutchy of Lancaster, made to John, cardinal and abp. of Canterbury, and several others, relating to some possessions in the said dutchy; and 8 other letters patents under the seal only of the dutchy of Lancaster, made to the persons aforesaid, of several possessions to the performance of the last will and testament of the present king, were read and confirmed by the whole estates in parl.—The king's letters patents for the erection and endowment of Eton college, founded 20 H. VI. with all the lands and liberties then and now granted, were especially declared and confirmed by parl. As also the like letters patents of the king's, made for the erecting and endowing a college (king's college) in Cambridge, were publicly read and confirmed by this parliament.

*The D. of Suffolk gains the management of the Kingdom by the Queen's means.*] The new queen seeing the marq. of Suffolk particularly honoured for his services by the lords and representatives of the nation, found it no difficulty to get her easy husband to join in conferring new dignities upon him. He was accordingly raised from marq. to duke of Suffolk, and had several manors and wardships given him to support this new dignity; and having the queen's heart, who certainly managed the king as she pleased, this new duke may properly be then said to be the greatest man in the kingdom.

*The d. of Suffolk plots the ruin of the d. of Gloucester.*] The person that stood the most in their way to an absolute rule, was Humphry, for his great humanity and hospitality, justly called, "the good duke of Gloucester." This nobleman had been long engaged in a mortal quarrel with his half-bred uncle, Hy. Beaufort, bp. of Winchester. The duke had acted in his Protectorship with great wisdom and caution; yet, even in that great post he could not escape a snare laid for him by the cardinal, and his other enemies. His dutchess was accused of tampering and dealing with witches and conjurers, in order to deprive the king of his life, and raise her husband to the crown. The su-

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perstitious ignorance of that age made this accusation easily credited; and being found guilty, along with her accomplices, they suffered death; and she a shameful penance and a perpetual imprisonment. The new favourite having found he could not have all things within his gripe, without removing this great man, soon contrived to effect it. The first step that the queen and her minion took was to get the duke of Gloucester, not only displaced from having any command about the king's person, but even from his council. Not long after they accused him of several crimes and misdemeanors: all which the duke cleared himself so well of, that he was honourably acquitted of them before the king and council.

*A Parl. called.*] This disappointment did but aggravate his enemies the more against him, and many other snares were laid for him. But a more plausible expedient being at last thought of, a parl. was resolved to be called, where he was to be apprehended for some charge of high treason, and committed to close custody. Accordingly writs were issued out for calling a parl. to meet at Cambridge on the 10th of Feb. 1447; but afterwards, for reasons of state no doubt, other writs were dispatched after them to summon the same peers, by name, to meet in parl. on the same day at St. Edmund's Bury. When, being met in the Refectory of the abbey there, John abp. of Canterbury, primate, legate, and chancellor, as before, opened the session by the king's command, and took for his theme these words out of the Proverbs, 'Qui autem ineunt pacis concilia, sequitur illos gaudium.' In repeating his text, 'Qui autem,' &c. he said, "There were 3 kinds of counsels; the 1st, of the wicked, utterly to be shunned, according to the saying of the Psalmist, 'beatus est vir, qui non ambulavit in consilio impiorum. The 2nd, of the good and learned, who go with circumspection, according to Isaiah 6. 'Finito consilio suscepit actior in domu sua, & fecit cœnam magnam.' The 3rd, of the Holy Ghost, expelling all doubts by working inwardly, according to the Psalmist, 'Consilium autem domini in æternum manet; cogitationes ejus a generatione ad generationem.' He acquainted them, "That between the ambassadors of the English and French kings an agreement was made, that the two kings should have an interview; and that sufficient assurance would be given for his majesty's passage beyond sea, his safe residence there, and return. For which reason the king desired their advice, and would act accordingly. He concluded, as usual, desiring the commons to chuse and present their Speaker, and put them in mind that the king's will was, all estates should enjoy their liberties."

*W. Tresham, esq. elected Speaker.*] The receivers and triers of petitions to this parl. being appointed; on the 2d day the commons presented, as their Speaker, Wm. Tresham, whose excuse being rejected, he was, with the common protestation, allowed.—It is remarkable, after this usual preamble, that the heads of all the acts made in this parl. in the statute books, are comprised in two lines. And what is mentioned in Cotton is little or nothing to the purpose. Authority given to the king's council for 100,000 l. Some grants of the king to his new erected colleges of Eaton and Cambridge, and an exchange in the new queen Margaret's revenues of 4666 l. 13s. 4d. out of the customs, &c. for some other lands and hereditaments settled on her, during life, confirmed, was every thing material done in this parl.: except another article, viz. "That it is by the king enacted, that Eleanor, the late wife of the duke of Gloucester, shall be utterly barred from claiming any dower of any of the hereditaments, &c. of the said duke." By this it appears, that another motive, and which has been hinted at before, was the occasion of calling this parl.; and since it has been so carefully kept out of the Records, the more general historians must inform us.

*The D. of Gloucester arrested and murdered.*] "With the new year," says Daniel, "the lords began to prepare for meeting in parl. at Bury; and that the duke of Gloucester might fear no evil, all things at court were carried with great smoothness towards him. But care was taken to have it whispered in his ear, that it was necessary he should be at it, to prevent the designs of the queen and her party. The good duke, not at all jealous of ill practices, but retaining his old zeal for the commonwealth, hearkened to the caution, and with the rest of the lords came to the place at the time appointed, ready to attend the national business.—On the 1st day of the session, all things went well enough, and the ceremonies at the opening of a parl. were performed as usual. On the 2nd day the lord Beaumont, then high contable of England, being accompanied with the dukes of Buckingham and Somerset, and many others, arrested the duke of Gloucester, and put him in custody under a strong guard. His servants were all taken from him, and 32 of them sent to different prisons. The nation was in great amaze at this sudden action, and every man was inquisitive to know what new matter was found out against the duke, who had so lately cleared himself of all that could be alledged against him. His enemies thought it necessary to lay some crime to his charge, and therefore gave it out that Humphry, duke of Gloucester, with his train of servants, had traiterously conspired to kill the king that he might set the lady Eleanor his wife at liberty. A ridiculous charge, but, yet sufficient to quiet the people, whom they only feared, in the execution of their design; for the more improbable his crime was, the easier it would be to free himself, and so the people rested content with the sense of his wisdom and innocency. But his enemies had contrived otherwise, that he should never come to his defence: for the night after his commitment, as some say, but others a few nights after, he was found dead

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in his bed, and his body shewed to the lords and commons assembled in parl. and lay exposed to open view of all comers for some time; in which, because no signs of a violent death appeared, it was reported, that he died of an apoplexy or imposthume. But, because none of his servants suffered after his death, which they ought to have done, had they been guilty of high treason, as was alledged against them (though 5 of them were condemned, and when near their execution were pardoned by the duke of Suffolk's means); it was generally thought a sufficient ground to believe, that he was murdered by the queen's means; and some were so particular as to report, that he was strangled between two pillows, or featherbeds, as Thos. Woodstock, duke of Gloucester before him, had been; others that he had an hot spit run up his fundament, as king Edw. II. had; others affirmed that he died of mere grief, because he saw he must now fall a sacrifice to his enemies malice, without being allowed to defend himself; all which conjectures have little foundation. The most discreet judged he was murdered; but, being transacted in private it was not safe to determine by what means."

The death of this great man was, very soon after, revenged upon his enemies; the cardinal bp. of Winchester died within a month of him, and though the queen and the duke of Suffolk now managed both the king and the kingdom without controul, yet the reign of the latter was very short lived, as the course of these enquiries will shew. The method they took to govern, was very oppressive and intolerable to the subjects; and though the queen made use of her husband's name, yet she could scarcely hide her usurpation, because, in England, the queen consort hath no power, but title only.—The death of the duke of Gloucester had yet another ill consequence, by opening a door to the duke of York to put in his claim to the crown. It does not appear that York had any hand in the duke's murder; but it may be well supposed, that he was glad to see it acted by others; and that the queen and her minion went on in the govt. in the arbitrary manner they did. In a small time after duke Humphry's death, he began to represent to his friends the misery of the nation, which, under the name of a king, weak and unable to govern, was ruled by an ambitious queen, and her favourites. He first put it into their heads, that it was necessary to pitch upon some other person to be king, since Henry had deposed himself, in effect, by suffering the queen and Suffolk to over-rule all; that the king was really a good man, but fitter for a cloister than a palace, therefore the kingdom was to be put into better hands than those of women and favourites. Having thus artfully infused into their minds a general discontent, he next put forward his own title to the crown; which, allowing hereditary right to be valid, was indubitable. Yet, added, that though he would not vainly vaunt himself fit for so great an office, he might boldly claim the crown as his right; and hoped, that the diligence and valour he had shewn in France, for the preservation of the English dominions in that kingdom, were demonstrations enough to prove, that he had the true spirit of an Englishman in him, and was zealous in all things for the good of the nation.—Thus much we have thought it proper to say, though somewhat digressive from our parliamentary design, in order to keep up a connection in history; and to shew, at what time those great disputes between the two houses began, which near overturned the whole kingdom.

*A Parl. called.*] It was 2 years after the last, before we meet with another parl. which was called by writs dated at Westminster, Jan. 2, 1449, to meet at the same place on the 12th of Feb. following; the first peer now on the list is Rd. duke of York.—On the day appointed being all met in the Painted Chamber of the palace, John abp. of Canterbury, chancellor of England, declared the cause of the summons, and made a notable declaration; but what it was, our abridger has not informed us.

*A Speaker chosen, and a Subsidy and Poll-tax granted.*] Three days after, the commons presented John Day, esq. for their Speaker, who was allowed; and soon after, a grant of a 10th and half a 15th, to be levied on the laity, passed both houses; with a grant also of tonnage and poundage, for 5 years to come, on all merchants whatsoever, with an addition of 3s. more on aliens, as well of the Hans towns as otherwise. Authority was likewise given to the council of state, to borrow 100,000l. as well upon the king's revenues as his jewels.—We find, on record, that another grant was made to the king of half a 10th and a whole 15th, to be levied as before. Also, a Poll-Tax was again renewed, and granted to the king, of 16d. to be taken of every householder within the realm, not born within the king's dominions, and 6d. of every other person so born and no householder; with 6s. 8d. of all and every merchant stranger, and 20d. of all and every of their clerks. Lastly, the like subsidy on wools was granted for 4 years, as before.

*Normandy lost.*] A message from the duke of Somerset, the king's lieut. in France, was delivered to this parl. verbatim, by the lord Hastings, chancellor of France, and the abbot of Gloucester, importing, That the great preparations the French were making were such, that if a war should happen, then the country of Normandy was not able to defend itself. And, as the truce was to endure but for 14 months, it was necessary to acquaint the king and council, in discharge of the said duke, that they might provide accordingly. The English govt. took some alarm at this message, and being well provided with money by the late subsidies, a considerable reinforcement was sent over to the duke regent; but these had ill luck, and were most of them cut off; after

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which, the duke of Somerset gave up Caen to the French, and in short all Normardy, 30 years after it had been conquered by Henry V.

Upon contention between Wm. earl of Arundel and Tho. earl of Devon, for superiority of place in council and parl. it was enacted by the king and lords, with the advice of the judges, "That the said earl of Arundel and his heirs, by reason of the castle and honour of Arundel, shall for ever enjoy the preeminence in the presence of the king and elsewhere, above the said earl of Devon, as worshipfully, so saith the act, as any of his ancestors, earl of Arundel, before that time ever had. And yet, it is observable, that in all the succeeding lists of peers summoned to parl. the earl of Devon is always placed before the earl of Arundel. The most remarkable thing done this parl. was by the bishops, who now made a strong push to have the Act of præmunire repealed. They had made considerable interest in both houses to effect their design, but the greater part of the lords and commons were so zealous for the continuance of it, that their attempts proved ineffectual. This parl. had two several prorogations; one from the 4th of April to the 7th of May; and the other, as the Record says, by reason of the plague then reigning in London and Westminster, from May 30th to June 16th, at Winchester, though we cannot find that they ever met at that place.

*A Parl. called.*] The losses in France being known in England, it bred a general discontent amongst the people; and the fault was totally laid on the queen and her ministry. The loudest exclamations were raised against the duke of Suffolk, as the chief instrument of all the misconduct; and it was resolved, that he should undergo a national enquiry about it. The queen, apprehensive of the danger her favourite was in from such a procedure, did all she could to prevent it. First, by endeavouring to hinder a parl. from being called; and next, when she could not avoid that, by having it summoned to meet at Leicester; where, in a country town, she imagined her numerous attendants might overawe the members. But the lords and commons, who knew they were safe under the protection of the city of London, positively refused to meet at all, unless they were appointed to come to Westminster. So the writs of summons were issued out, dated Sept. 23rd, 1450, for a parl. to meet at the latter, on the 6th of Nov. following. By the Abridgment of the Records we find that this parl. underwent several prorogations; for, on the 1st day of the session, John abp. of Canterbury declared to the lords and commons, that, for avoiding the infectious air of Westminster, the king had really prorogued the said parl. to London; and desired the commons to choose their Speaker, and present him the next day to the king.

*A Speaker elected in the room of one excused.*] On the 3rd day of the session the commons presented sir John Popham as their Speaker, whose excuse for not serving the office, we find, was accepted, and he was discharged. So on the same day the commons presented Wm. Tresham, esq. for the same purpose, who, with the common protestation, was allowed. Dec. 4th, the parl. was again adjourned from London to Westm. to be there held by the chancellor, in the presence of the king, lords, and commons the next day. And on the 17th of the same month, the abp. of Canterbury, chancellor of England, in the king's presence, and on his behalf, gave thanks to the three estates, and prorogued the parl. to the 22nd of Jan. next at Westminster. This last prorogation may be accounted for, by reason of the Christmas holidays; but we are further told, that on the said 22nd of Jan. 1451, when the parl. met, the abp. of Canterbury was discharged from the office of chancellor, and John Kempe, cardinal and abp. of York, was put in his place; that they sat at Westminster to the 30th of March; and then the chancellor, by the king's command, prorogued the parl. from the said day to the 29th of April, next ensuing, at Leicester.

*A large Subsidy granted.*] In all this time there is not one word more of business done this session, than is before mentioned. But, after this, an extraordinary subsidy was granted; which was, "That every person having by free deed, copy, grant of annuity, or office, the clear yearly value of 20*s.* in frank-tenements should pay 6*d.* and so from 20*s.* to 20*l.* From 20*l.* to 200*l.* yearly, 12*d.* in the pound: from 200*l.* and upwards 2*s.* for every pound, as well laity as clergy; guardians of wards, men having fees, and all corporations to pay accordingly. Several sums also out of the king's revenues and fee-farms, to a great value, were allowed to bear and pay the charges of the king's household.

*Impeachment of the Duke of Suffolk.*] But, before the last prorogation to Leicester, came on the trial of the duke of Suffolk, on several Articles of High Treason; which, because he saw that he could not avoid, he moved for himself. For, according to the Record, on the 22d of Jan. the duke stood up in the house of lords, and required the king "That he might be specially accused, and be allowed to answer to what many men reported of him, that he was an unfaithful subject." He further told the king, "That his father, and 3 of his brethren, died in his service and that of his father's and grandfather's. That he himself had served in the wars 34 years: and, being but a knight, and taken prisoner, had paid for his ransom 20000*l.* That he had been of the order of the garter 30 years, and a counsellor to the king 15 years, and had been 17 years in the wars, without returning home. And, asking God's mercy, as he had been true to the king and realm, he required his purgation."—Jan. 26, the commons came before the lords, and required that the duke, on his confession,



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might be committed to safe custody; but the lords and judges, upon consultation, "thought there was no good cause for it, unless some especial matter was objected against him."—Jan. 28, the Speaker came again, and declared, "That the duke of Suffolk, as it was said, had sold this realm to the French, who had prepared to come hither; and that the said duke, for his own defence, had furnished the castle of Wallingford with all warlike munition; whereupon, at the Speaker's request, the said duke was committed to the tower of London.—Feb. 7, the Speaker of the commons, the chancellor and the lords, sent to the king a Bill of Articles, by which they accused Wm. de la Pole, duke of Suffolk, late of Ewelm in the county of Oxford, of sundry treasons, viz.

"I. That the said duke having the wardship of Margaret the daughter and heir of John duke of Somerset, he meant to marry his son John to her; and thereby for want of issue of the king, to claim the crown, and to procure the French king, by means of certain French lords, there named, to depose the king.—II. That he procured the delivery of the duke of Orleans, and practised with him to cause the French to recover the English conquests in that kingdom.—III. Related to the duke's promise of delivery of Anjou and Main, to requite the king of Sicily the king's enemy, without the assent of the other ambassadors.—IV. For disclosing the king's counsel to the earl of Dumoys bastard of Orleans, and to others of the French nation.—V. For betraying to the French the strength of the king's piles, ordnance, and munition, beyond sea.—VI. That the said duke, by disclosing the king's secrets, caused the peace to be broken.—VII. That the said duke supported the king's enemies, by staying sundry arms which should have passed against them.—VIII. That the said duke had strengthened the king's enemies against him, by not compromising in the last peace the king of Arragon, who is almost lost; and the duke of Britany, who is wholly so." All which articles, the commons require to be enrolled, and that prosecution may be awarded thereon.

March 9th, the commons made a new complaint against the duke, in effect following: first, for procuring the king, in his 18th year, to give away the inheritance and lands of the crown. For procuring many liberties in derogation of the common law, and hindrance of justice. For causing the king to give away the castle of Manlion de Searl, and other territories in Guienne. For that the earl of Armanac and other nobles of Guienne, were drawn from their obedience to the king, by the said duke's discovering of secrets, to the utter impoverishment of this realm. For procuring the king to bestow the keeping of divers towns and offices in Normandy and Guienne, on unworthy persons. For procuring the king to grant the earldoms of Enreney and Longuevile, and other lordships in Normandy to the bastard of Orleans, and other Frenchmen, the king's chiefest enemies, without the assent of the council: For that the duke procured the king, in his own presence, to promise the French ambassador to attend in person at the convention in France, to the king's subversion if it had taken effect. For causing the subsidies granted to be contrarily employed. For causing the king's treasure to be spent on the French queen, and other French people. For consuming the sum of 60,000l. left by the lord Dudley the late treasurer. For conveying out of the king's treasury the obligations of the finance for the duke of Orleans. For procuring himself to be made earl of Pembroke, and obtaining the lordships of Haverford-west, after the death of sir Rowland Lenthal. For staying the process of outlawry against Wm. Talbois, esq. of Lincoln, upon several appeals of murder. For procuring a pardon to the said Wm. for not appearing upon suretyship of peace. For procuring persons of his confederacy to be made sheriffs. For procuring a garrison of Englishmen to fight against the Germans, the king's allies, on the part of the French, the king's enemies." All which articles the commons required to be enrolled, and that the said duke might answer to them.—On the same day the duke of Suffolk was brought from the Tower, by the king's writ, into the Parl. Chamber, at Westminster, before the king and lords; to whom the articles aforesaid were rehearsed, who desired a copy of them, which was granted. And, for the more ready answer to them, he was committed to the custody of certain esquires, in the tower within the king's palace.

March 14th, the said duke appeared again before the lords, and on his knees denied the truth of the first 8 articles of treason against him; and offered to prove them false in any manner the king should appoint. The 1st of them he denied as impossible, inferring, that some of the lords knew he meant to have married his son to the earl of Warwick's daughter, if she had lived. To many of the rest, he referred himself to the king's letters patents, and to some acts of the council. To the yielding up of Anjou and Main, he referred also to the acts of the council; which shew, that other lords were privy thereto, as well as himself, and said that the same was delivered up by the bishop of Chichester, then keeper of the privy seal.

March 17th, the said duke was brought again before the lords, to whom the chancellor repeated the answer he had made, and told him, that therein he had not put himself upon his peerage, and asked the duke which way he would be tried? who, kneeling, said, that he hoped he had answered all things to the full, and so protesting his innocency, referred himself entirely to the king's mercy and award.—Thereupon the chancellor, by the king's command, pronounced this sentence, "that since the duke did not put himself upon his peerage, the king, in relation to the articles of treason contained in the first bill, would be doubtful. And as to the articles of misprision, the king

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not as judge by the advice of the lords, but as one to whose order the duke had committed himself, doth banish him the realm, and other his dominions, for 5 years; from the 1st of May next ensuing."—After which sentence being given, lord Beaumont, lord high constable, stood up, on the behalf of the bps. and lords, and required, "that it might be enrolled, that the said judgment was by the king's own rule, and not by their assent; and also required, that neither they nor their heirs should, by this example, be barred of their peerage and privileges."—The foregoing account of this parliamentary inquiry into the misconduct of a prime minister, from the records themselves. Undoubtedly the mildness of his sentence proceeded from the queen's great indulgence to him; who was in hopes, that his short banishment might last longer than the malice of his enemies against him. But, unhappily for both, the duke was taken prisoner at sea, by a private English captain, who had way-laid him, had his head struck off on the side of a long-boat, and his body thrown into the sea.

*A Parl. called.*] A parl. was called to meet at Westminster, on the 6th of Nov. 1451. The following is a list of the

*Peers summoned to this Parliament.*

Henry, d. of Exeter
John, duke of Norfolk
Humphry, d. of Buckingham
Edmund, d. of Somerset
Richard, e. of Warwick
Henry, earl of Northumberland
Thos. e. of Devonshire
Wm. earl of Arundel
Ralph, earl of Westmoreland
Richard, e. of Salisbury
John, earl of Oxford
John, e. of Worcester
James, e. of Wiltshire
John, Vis. Beaumont
James, lord Berkeley
Edw. l. Gray, of Groby
Edm. l. Gray, of Ruthin
Robert, lord Hungerford, sen.
Ralph, lord Graystock
Hy. Percy, l. Poinings
Wm. lord Bottreaux
Thos. lord Dacres, of Gilsland
John, ld. Beauchamp
James, lord Audley
Ralph, lord Cromwell
Wm. lord Zouch, of Harringworth
John, lord Scroop, of Masham
Wm. lord Fitzhugh
Henry, lord Scroop, of Bolton
Leonard, lord Welles
John, lord Clinton
William, lord Lovel
Edward Nevile, lord Bergavenny
Robert, l. Willoughby
Thomas, lord Clifford
Henry, Vis. Bourchier
Edward, lord Brooke, of Cobham
John, l. Talbot, of Lisle
Thomas, lord Scales
Reg. l. Gray de Wilton
John, lord Stourton
Rd. Woodvile, l. Rivers
William Bourchier, ld. Fitzwarren
William, lord Bonevile
Hy. Bromfleet, l. Vescy
Thomas, lord Roos
Robert, lord Hungerford, of Molins
Ralph, lord Boteler, of Sudley
Thomas, lord Gray, of Richmond
William Beauchamp, lord St. Amand
Thos. Percy, ld. Egremont
John Sutton, l. Dudley
William Fynes, lord Say and Seal

These great men, with the prelates, clergy, and commons, being assembled before the king, in the Painted Chamber at Westminster, John Kempe, cardinal, abp. of York, and chancellor of England, by the king's command declared, "that this parl. was called to provide for the defence of the realm, the safe keeping of the seas, and to make provision for an army against the French; but particularly for suppressing of insurrections at home." To which end he desired the commons to choose and present their speaker, as usual.

*A Speaker chosen.*] But, according to the Record, it was not till November 10th, that the commons presented sir William Oldhall, knight, to be their Speaker, who was allowed, with the usual protestation. The first thing we find that this parl. went upon, was to devise several orders and regulations about altering the manner of collecting and paying the subsidy granted by the last parl.; though what regulations they were are not mentioned in the Abridgment. Nor is any thing else given us from the Record, except a complaint and appeal for a murder, though this session lasted above a month; when, on the 17th of Dec. the chancellor, in the presence of the king and the three estates, prorogued the parl. to the same place, on the 20th of Jan. following. And again, on the 29th day of April, it was also prorogued to the 5th of May next ensuing.

*A Monopoly granted, in order to raise Money.*] The first thing that we find now in this third session is a grant to the king of 20,000l. out of the customs of London and Southampton, by 100l. payments, to relieve his immediate wants and poverty. Besides, in consideration of 4000l. delivered to the king, in Allom, by some Genoese merchants there named, it was enacted, "that they shall be allowed to ship any staple ware out of the south of England, until they be answered the said sum." Also it was enacted, "that certain merchants of the south shall have all the allom aforesaid, on advancing to the king in hand 8000l. and that no man be allowed to bring, buy, or sell any other allom, for the space of two years, on pain of forfeiting the same." This was a strange Monopoly, and shewed the pressing occasions of the king and state for money at that time.

*The Commons desire the removal of most of the King's Servants.*] An extraordinary Petition of the commons was presented to the king, importing no less than the removal of most, or all his court from him. For it was desired, that Edm. duke of Somerset, Alice Poole, late wife of Wm. Poole, late duke of Suffolk, Wm. bp. of Chester, sir John Sutton, baron of Dudley, Wm. Daniel, late of London, esq. John Trevilian and Edw. Grimstone, of London, esqrs. Tho. Kemp, clerk of the commons, Reginald, abbot of st. Peter's, Gloucester, Tho. Pulford, of London, esq. John Hampton, Wm. Myners, John Blackwell, John Penerike, John Gergoran, Stephen Slegg, Tho. Stacey, Tho. Hore, the lord Hastings, sir Edm. Hungerford, sir Tho. Stanley, knights, Jenkin de Stanley, esq. usher of the king's chamber, Barthol.

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Hawley, Ralph Balthorp, esqrs. sir Edmund Hampton, sir Robt. Wingfield, knights, Mr. Gervase Deberry, one of the king's secretaries, Mr. John Somerset, and Mr. John Newport of the Isle of Wight, "be banished from the king's presence during their lives, and not to come within 12 miles of the court, because the people spoke evil of them." The king's answer to this petition was, "that as to himself, he was well contented that they should go, unless they were lords, and a few others, whom he could not well spare from about his person, and so to continue absent for one year, to see if any man could truly lay any thing to their charge."

*The Rebellion in Kent under Jack Cade.*] Whether this last Petition was made in order to quiet the clamours of the people of Kent, &c. who were then up in arms under the conduct of Jack Cade, we know not. But a very severe act was passed this session against that rebel; whereby he was attainted of treason, all his lands, tenements, &c. given to the king, and his blood corrupted. But though our Records are somewhat silent as to the complaints of the commons under Cade, history is not so; but hath given us the contents of two bills, which it is said they exhibited to the houses, then sitting at Westminster, that they might have their concurrence with them in the reformation they were bringing about in the government. The first they called, "the complaints of the commons of Kent, and the causes of their assembling at Blackheath." The other paper they styled, "the requests of the great assembly in Kent." These complaints of Grievances, &c. having been seen and perused, as well by the lords and commons in parl. assembled, as by the king's council, were not only, says Daniel, "condemned and disapproved, but the authors of them voted proud and presumptuous rebels, not to be gratified with fair promises, but suppressed by force of arms." But Hollingshead says, more justly, as seems probable by the abstract from the records, that it does not appear the complaints of these people were rejected by parl. only that the council condemned them, as they would have done had they been more reasonable, considering the method of preferring them. However, it was not long after, that Jack Cade and his followers were put to flight by the king's army, and their leader slain, having had a price set on his head by proclamation.

*A Parl. called.*] A parl. was called, by writs dated the 20th of Jan. 1453. to meet at Reading on the 6th of March following; Rd. duke of York and Edm. duke of Somerset being the first persons named on the list. At the day appointed they all met at the refectory, within the abbey of Reading, when Wm. bp. of Lincoln, in the absence of John abp. of Canterbury, chancellor of England, declared the cause of the parl. to be chiefly for the good govt. of the realm, and safe defence of the same; to which end he bid the commons choose their Speaker, and present him, as usual.

*A Speaker chosen.*] And the next day, after the receivers and triers of petitions were appointed, the commons presented to the king Tho. Thorpe, esq. to be their Speaker, who, with the common protestation, was allowed.

*A Subsidy granted.*] The first thing they went upon this session was the Supply: when the commons granted to the king one 10th and one 15th, likewise tonnage and poundage during his life. The commons also granted to the king, for the same term, the subsidy on wools, that is, 23s. 4d. for every sack of denizens, and 5l. from aliens, and so for other staple-ware in proportion. Likewise, they gave the king, of every merchant not born within the realm, and no denizen, and keeping house, 40s. and of every such merchant as shall remain within the realm but 6 weeks, 20s. per an.; and of every merchant alien, being no denizen, 13s. 4d yearly, during the king's life. After this, the Speaker came before the king, and declared that the commons had voted 20,000 archers for the king's service, for the term of half a year; and March the 18th, when these Money Bills were passed, and thanks for them given to the lords by the king himself; John, cardinal, abp. and chancellor, by the king's command, prorogued the parl. to the 20th of April then ensuing, at Westm.

Being met again, the king discharged the commons of 7000 archers, part of the 20,000 granted him last sessions: and a due proportion was settled, for every particular county in the realm, what they would bear towards the support of 13,000 men for his majesty's service; but, in consideration of a considerable sum of money, to be levied by the commons, the king was content to respite the raising the said 13,000 archers; unless, upon necessity, or being obliged to go in person to the wars, he be forced to take them.—The commons farther granted unto the king the moiety of one 10th and one 15th, for which the king returned them thanks in these words, viz. "We thank you for your grants; for the which be you assured, we will be a good and gracious lord unto you." The lord chanc. on the 2nd day of July, prorogued the parl. again to Reading, to the 7th of Nov. following. And at Reading, on the same day, we find that the parl. was adjourned from thence to the 11th of Feb. next, at Westminster. But on that day, John earl of Worcester, and treasurer of England, by the king's letters patents, made another short prorogation of three days, to the 14th of the said month at Westminster. On which day, being again assembled to do business, Rd. duke of York, by the king's letters patents, was appointed president in the said parl.

*The d. of York's complaint against Thorp the Speaker, for a trespass.*] On the same day, a remarkable case came before this parl. The Commons represented to the king and lords, that Tho. Thorp, their Speaker, and Walter

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Rail, a member of their house, were both imprisoned; they therefore requested, that the said members might be set at liberty, according to the privileges of their house. The next day the duke of York stood up in the house of lords, and acquainted their lordships, "that he had received damages in an action of trespass against the said Thorp last term, by a verdict in the king's exchequer, for carrying away the goods of the said duke of York out of Durham-house; for the which he remained in execution, and prayed that he might continue there."

The advice of all the judges being taken in this matter, they made answer, "That it was not their part to judge of the parliament's actions, who were judges of the law themselves; only they said that a general *supersedeas* of the parliament there was not, but a special there was; in which case of special *supersedeas*, every member of the house of commons ought to enjoy the same; unless it be in cases of treason, felony, surety of the peace, or for a condemnation before the parl."—After which answer being given, the lords came to this resolution, "That the said Thos. Thorp should remain in execution, notwithstanding his privilege." And sent a committee of their own house to the commons to require them, on the king's behalf, to chuse a new Speaker. Accordingly a committee of the commons were sent to the lords to acquaint them that they had newly chosen, in the place of Thos. Thorp, sir Thos. Charlton, knight, for their Speaker; to which the chancellor answered, that the king approved of him, and willed them to proceed effectually.

*The King's illness.*] About this time, Henry fell dangerously sick at Clarendon; his sickness continued a long time, but, at last, he was perfectly recovered of it. The joy at court, on this occasion, was augmented by the birth of a young prince, who was christened by the name of Edward. A committee of the lords was appointed to go to the king, lying sick at Windsor, to learn his pleasure touching two articles; the 1st, to know who should be abp. of Canterbury, and who chancellor of England, in the place of John Kemp, by whose death they lay in the king's disposal. The 2nd, to know whether certain lords, there named, to be of the privy council, were agreeable to him, or not. On the 25th of March the said committee reported to the whole house, "that they had been to wait upon the king at Windsor, and after 3 several repairs thither, and earnest solicitations to speak with the king, they could by no means have answer, or token of answer, being only told the king was sick."

*The D. of York appointed Protector.*] And whereas the lords, on the 27th of March, had appointed the duke of York to be Protector and Defender of the realm, so long as the same shall please the king, the said duke thereupon required the answer of the lords to the articles following:—I. "That it be enacted, that the said duke doth take upon him the said office, by the particular appointment of the lords, and not of his own seeking or desire. Ans. The like articles shall be made for this, as was made during the king's minority.—II. That all the lords will assist the duke in his office. A. It is agreed by all lawful means. III. To prescribe the power thereby given to said duke. Ans. He shall be chief of the council, protector and defender, which implies a personal attendance against foreign invasion, and inward rebellion; but no authority of governance; and all this, so it be no prejudice to the prince.—IV. To appoint how much money the said duke shall take for the exercise of the said office. Ans. Precedents shall be searched, and the duke conferred withal about it, after which an act shall be made to settle it."

Then the king's letters patents were read in the house, appointing the said duke to be his chief counsellor, protector and defender of this realm, during the king's pleasure; or, unto such time as Edw. the prince shall come to age of discretion. Which great office the duke, in full parl. took upon him to perform. Hence it appears, says a late historian, that it was believed the king's indisposition would last as long as he lived, and that it affected his understanding more than his body. In the next place, adds he, by reserving this office, for a child of six months old, who was to exercise it when of age, the parl. shewed their intention to preserve entire the rights of the house of Lancaster, though the duke of York was declared Protector. Other letters patents were read, which were made to Edward the young prince, as in the 1 H. VI. with the yearly fee of 2000 marks only; besides allowances for learning to ride and such other exercises; provided the same be no ways prejudical to any grant made to Margaret queen of England.—Again, the king, by his letters patents, created his son Edward prince of Wales, and earl of Chester, to him and to his heirs, kings of England, with the revenues thereunto belonging; which were confirmed by the hands of all the lords, and by the commons in parliament.—By the same authority the king granted to his queen Margaret, the sum of 1000 l. yearly, for her life, out of the customs and subsidy of wools in the port of Southampton; besides sundry manors and hereditaments in the counties of Northampton, Southampton, and Oxfordshire, which were also confirmed to her by parliament.

In this parl. Thos. Courtney, earl of Devon, was accused of treason, and acquitted of the same by his peers; Humphry duke of Buckingham being high steward for the time being. But, because the duke of York judged the honesty of the said lord to be touched, the said earl made a public declaration of his loyalty before the house, and referred further trial of it, as a knight should do; on which the lords wholly acquitted him, as a loyal subject.

The commons required the lords to call to mind the hazard that the town of Calais was then in, and the safe keeping of the sea, and

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that the subsidy granted might be really employed to that purpose. They also desired the lords to excuse them from granting any other subsidies; finally, they required that a grave, or wise council should be established to answer all petitions, &c. which was promised.—It was ordained, that the mayor, constable, and fellowship of the merchants of the staple at Calais, shall be paid 10,000 marks out of the subsidy of wools there, which sum they lent towards the payment of the soldiers' wages in that place. The said mayor and merchants made several demands besides, which are not specified; to which they had answers given them. But Rd. duke of York, being appointed captain, or governor of Calais, and requiring satisfaction in 13 articles, or demands, concerning ready payment, and other proper supplies for keeping the same, could obtain no answer to them.—For the titles of the other acts passed in this parl. see the list at the end of this reign.

*The Duke of York raises an Army, and takes the King prisoner.*] It has been said, that the wars with France being now ended, the civil dissentions, between the two Houses of York and Lancaster, began in contending for the crown; though hitherto matters had been carried on both sides with moderation, the house of York having yet, not openly, made their claim to the regality, neither in parl. nor out; but only raised an army, under pretence of reforming abuses in the government. "The title this family had to the crown," says Daniel, "was very fair, according to the law of the land; Rd. the present duke, being great grandson of Lionel duke of Clarence, elder brother to John of Gaunt, duke of Lancaster, by whom the three Henrys derived their right to the crown. But Hen. VI. though his title was not so fair and clear, yet, not being the usurper himself, but succeeding upon the usurpation of his father and grandfather, two very great princes, and he being of known goodness and piety, had long kept possession of it. Therefore it required great art, cunning and force, in the duke of York, to wrest the diadem from him." Most of our historians relate, that the duke of Somerset was accused of treason, in the last parl. having been arrested some time before, and sent prisoner to the tower. How far this last circumstance may be true, is uncertain; but the former is apparently false, by the proceedings of that parl. given before. It is said further, "that the queen, who was as intent to save Somerset, as his enemies to destroy him, had so contrived matters, that nothing should be done against him; for the king, being somewhat recovered from his illness, and come well to his senses, she caused him, though very weak, to be carried to the houses, and there to dissolve the parl. so that nothing was determined in the matter." It is not possible to suppose that the careful abridger of the records would have overlooked this last circumstance; and therefore since he has taken no notice of it, we may well suppose it as erroneous as the former. Instead of that, Edmund duke of Somerset is the 2nd person on the list of the peers summoned to this parl. and he was ordered to be paid a very large sum due to him for fees, wages, &c. whilst he was governor of Calais, by consent of both houses.

It is certain, however, that the duke of York, finding he could not get Somerset removed from the king's, or rather the queen's, protection, raised another army and encamped with it near st. Albans. The king and his courtiers were as ready to oppose him, and a battle was fought near that town, May 23, anno 1455, in which the duke was victorious; and the duke of Somerset, the earls of Northumberland and Stafford, John lord Clifford, with many others, persons of note, and about 800 common men, were slain; and what rendered this victory more compleat, the king himself was taken prisoner.—The d. of York, and the lords his confederates, carried the king with them to st. Albans, and paid him all the honour and reverence due to his dignity. They besought him, on their knees, to forgive the action of that day, and accept them for his loyal subjects. For now the duke of Somerset, the common enemy of the nation, and the cause of this commotion being dead, he and all his adherents would remain, during their lives, his faithful and obedient subjects; and that he should find, that the destruction of Somerset was his own preservation.—With such artful speeches, they amused the poor king, who seemed well satisfied with their actions. After which the confederate lords spent their Whitsuntide together at London; where it was resolved to call a parl. to settle and compose things for the general good of the nation.

*A Parl. called.*] Writs were accordingly issued out for summoning a parl. dated May 26, at Westminster, to meet at the same place on the 9th of July 1455. It is to be noticed, that no peers on either side of the question were omitted in the summons; this list being conformable to the last, except in the names of the peers slain in the last battle.—Cotton begins his account of this parl. in this manner: "In the presence of the king, sitting in his chair of state, and of the lords and commons, Tho. Bourchier, abp. of Canterbury and chancellor of England, declared the cause of the parl, and took for his theme, &c. 'other report there is none.' Wherefore the chancellor willed the commons to chuse their Speaker, and the next day to present him to the king. And farther shewed to them, that the king's pleasure was, that all estates should enjoy their liberties." The next day the chancellor caused certain articles to be read before the houses containing the cause of the summons, which were divided as follows: first, to take order for the expences of the king's household. For the due payment of the garrison at Calais, and the marches there. To provide for keeping the seas against any invasion of the French; particularly to guard against the

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Scots, who had besieged Berwick, notwithstanding the truce. To appoint how and what time the 13,000 archers, granted last parl. should be employed. To procure a perfect accord and unity amongst the lords. To restrain the carrying out of gold and silver coin. To provide for better keeping of the seas. To take precaution that the peace may be kept in Wales. To every one of which articles, a committee of certain bps. and lords were severally appointed.

*A Speaker chosen.*] The day after, the commons presented sir John Wenlock to the king as their Speaker; who, with the usual ceremony, was allowed. The same day a long conveyance or charter, made by the king, whereby he acquitteth Rd. duke of York, Rd. earl of Warwick, and Rd. earl of Salisbury, of any disloyal practices, and taketh them to be his good and faithful subjects, was read and confirmed by parl. In which it is remarked, that Edm. late duke of Somerset, Tho. Thorp, and Wm. Joseph, esqrs. by their false dealings, had caused the king to think the contrary of these lords, and raise a great power against the duke and them.—Then some letters were read, wrote by the duke of York, and sent to the abp. of Canterbury, chancellor of England, dated from Royston, in May last, concerning his coming with an armed force to meet the king, in order to redress the grievances he had complained of: one of these was also signed by the earls and lords that accompanied him, and expressed their great obeysance and submission to his maj. But these letters, it seems, were kept from the king's knowledge, by the duke of Somerset, and others, until such time as the said duke of York, &c. met with the king at st. Albans last Monday, in order to have spoke with him; but that the duke of Somerset and others did resist them with a great number of armed men, in which conflict the said duke of Somerset was slain. Lastly, it was urged, that the duke of York and his allies, waited on his maj. very civilly, and made their humble obeysance to him after the battle.—Upon which the duke of York, and all his accomplices, were acquitted of coming with him to the said conflict or battle, and of any harm done at it. This was confirmed by the king, and the general consent of both the houses, and ordered to be enrolled, July 23. All the bps. and lords were sworn to be true to the king, in open parl. though none of their names are, as usual, entered upon the record. The same order was taken for all other lords that should come to parl. to take the like oaths.

At the request of the earls of Salisbury, Shrewsbury, and Worcester, and of the lord Stourton, who were made guardians of the seas, by the last parl. they were discharged from that office. And, July 31, the abp. of Canterbury, as chancellor, in the king's presence prorogued the parl. to the 12th of Nov. ensuing, at Westminster; after a general pardon had been granted by the king, and confirmed by their authority, for all treasons, felonies, contempts, trespasses, &c.

At the time appointed, the two houses met again; but here, it seems, the king was absent, for his letters patents were read the first day, constituting Rd. duke of York to preside in this session; which commisson was read publicly, first before the lords, and next before the commons.

*The d. of York again appointed Protector.*] On the 13th of Nov. a member of the Commons, whom Cotton calls only by the single name of Burley, with others, were appointed a committee from that body, to go to the lords, and require that the duke of York, and the lords, might move the king to appoint an able protector and defender of the realm, "since he would not himself attend the public service," and that the commons might be made acquainted with his person and character.—The next day the said Burley, and others of the commons, came again before the lords and renewed their suit about the Protectorship; as they did the day after. Upon this, the lords held a consultation on the affair, when it was resolved, that the duke of York was the most worthy for the office; and therefore a request was made to the said duke by the whole house, that he would take upon him the said Protectorship, according to the precedents used before on the like occasion; the duke excused himself from accepting the office, but desired respite to consider of it.—This consideration took up but a very little time; for, the next day, Burley and the rest coming, as before, to the lords, again repeated their desire. To which the ld. chanc. answered, that the king, with the assent of the lords, had requested the duke of York to be Protector and Defender of the Realm. The duke accepted of it, and made the same protestation and demand as he did in the last parl. and had the same answer. And, after the said duke had had some conference with a committee of the peers, appointed for that purpose, it was agreed, that he should have, yearly, towards his charges 4000 marks. Only, he desired that it might be recorded, he sought not this honour himself, but had it laid upon him by them.

But this great power, we suppose, was thought too dangerous to remain long in the duke's possession; for a short time after, before this parl. broke up, the king came in person to the house; and, as well by his letters patents, in the nature of a writ directed to Rd. duke of York, as by the whole consent of the said parl. revoked and repealed the power of Protector and Defender, and chief counsellor, before committed to the said duke. And, at the same time the king committed the whole estate, affairs, and governance of the realm, to the lords of his council. Only, for matters concerning his person, they were not to proceed without making him privy to it.

In this parl. the king, by several letters patents, confirmed to his young son, Edw. prince

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of Wales, and his heirs, kings of England, his creation of the principality and earldom of Chester, with all the particular dominions and hereditaments belonging to the said honours. And, as it is recited, because the said prince, the king's first-born son, on the day of his birth is, and ought to be duke of Cornwall, the king delivered up the same to him, and all other hereditaments belonging to that dukedom. Also, it was ordained, that the said prince shall be at diet, and live in the king's court unto the age of 14; for the which diet, the king shall yearly take all the revenues and profits of the said principality, earldom, and dutchy of the said prince, until the said prince come to the age of 14. Allowing yearly, towards his wardrobe and servants wages 10,000l. unto the age of 8; and from that to 14 years 20,000 marks yearly, with several other provisions there expressed, which were all confirmed by parliament.

At the request of the mayor and company of the staple at Calais, sir John Cheney, knt. victualler of that town, who by the appointment of the council had delivered to the said mayor and company certain of their obligations, to the sum of 2000 marks, which they lent the said sir John, by consent of parl. was acquitted of the same.—The king for 20,000l. borrowed of the merchants of the staple, by the assent of parl. granted to them the repayment of the same, out of the customs and passage-dues in the ports of Sandwich and Southampton.—A particular allotment of 3934l. 19s. 4½d. out of divers of the king's revenues, customs and fee-farms, is allowed, yearly, towards the charges of the king's household.—A general act of resumption of all lands, offices, and fees, &c. from the first day of this king's reign, was passed, with several provisions made therein. And after all this business was transacted, Tho. abp. of Canterbury, and chancellor of England, by the appointment of the duke of York, the king's commissioner, in the presence of the lords and commons, prorogued the parl. from that day, Dec. 14, to the 14th of Jan. next ensuing, at Westminster. But though we hear no more of a meeting of this parl. yet it is necessary to learn what historians have collected relating to the proceedings of it, that the reader, by comparing them with the foregoing account from the Records, may better come at the source of the mischiefs, which soon after involved all England in blood and ruin.

*Resolutions against the Queen, &c.*] This parl. says Daniel, met on the day appointed, July 9th, in order indeed to settle things according to the will of the conquering lords, but under a pretence of doing all for the public good. Some few acts were made, more for the colour of justice than the common safety. These acts were passed and published, to let the people see what a reformation they might expect if the popular lords had the rule. But they only served as a curious prologue to what followed, and was chiefly intended, viz. the following Votes and Resolutions:—"That the govt. as it was managed by the queen, duke of Somerset, and their friends, had been of late a great injustice and oppression to the people. That the king, who was himself a pious and good prince, had been abused by those who counselled and advised him, to his great dishonour. That the duke of Gloucester, whose memory had been stained with a charge of treason and rebellion since his death, was a true and faithful subject both to the king and realm. That all manner of alienations and gifts of the revenues and lands of the crown, whether made by the king himself, or parl. from the 1st year of his reign, should be revoked, and the said lands and revenues resumed and taken into the king's hands. That no person or persons should judge or report that the duke of York, with the earls of Salisbury and Warwick, were guilty of rebellion or treason, in coming against the king in a warlike manner to st. Alban's; since the action was necessary, and taken in hand to free the king from captivity, and bring peace and safety to the nation; but all the blame was to be laid on the duke of Somerset, lord chief baron Thorpe, and Wm. Joseph, esq. who, out of a malicious and evil design, kept a letter, sent by the lords, from the king's knowledge; which, if it had been delivered to the king's maj. would have taken away the cause of these disorders."—By these votes and acts, adds our authority, they made way for the resolution, which was the main drift of all; by which it was appointed, that the duke of York should be Protector of the realm, and the earl of Salisbury lord chanc. and the earl of Warwick governor of Calais and the territories thereunto belonging. So that all authority, civil and military, was in a manner put into the hands of the confederate lords, and Henry had only his title of king, without any other power. Under this establishment the lords were very careful to administer justice impartially, to avoid delays of suits, and to punish bribery, in order to ingratiate themselves with the people.

But this exalted power, so snatched as it was, continued on its basis but for a short time, for the queen soon found means to overturn it. Notwithstanding the loss of the duke of Somerset and others in the battle at st. Alban's, she had then several very eminent lords in her interest; and, being a lady of a masculine spirit, she was not afraid to undertake any thing to keep up the dignity of her husband's crown. It is probable that she caused the king to revoke the grant of the Protectorship to the duke of York, in the last session of parl. before it was prorogued: as it is particularly mentioned in the Records, though all our historians are silent about it, and only say, that the duke and the earl of Salisbury were displaced from their offices, by an express order, under the great seal, some time after the parl. broke up. See Hollingshead, p. 646.

*Agreement between the Queen's party, and the confederate Lords.*] The queen and her

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party being again restored to the govt. kept their ground for some time, though the discontented lords watched all opportunities to dislodge them. Some tumults and skirmishes happened betwixt the two parties, and another general battle was dreaded; to prevent which, the pious king and his bps. interfered, and terms of accommodation were offered to reconcile them. A grand meeting of the heads of both parties appeared at London, with numerous retinues of armed followers; and there, sword-in-hand, as it were, a seeming reconciliation was effected, the terms of which are contained in 8 articles. Which award or agreement was sealed with the great seal, in the king's palace at Westminster, March 24, 1458.

*The Quarrel renewed.*] Affairs continued in a peaceable manner after this but a very short time; for the same year an affray happening near the king's palace at Westminster, between a servant of the king's and some of the earl of Warwick's, the quarrel run so high, that many joining on each side, the earl himself had like to have been slain, who came to appease it. Taking this as a design of the queen's to murder him, and fearing worse might happen, he hastened down to York, where, meeting with the duke and his father, they soon concerted measures together to begin a new commotion. The civil war was again entered into with great warmth on both sides; but fortune did not favour the d. of York and his party in this second attempt; for when the two armies were come so near that a battle was expected, the king's proclamation of a general pardon for past offences, caused most of the duke's followers to throw down their arms and accept it; and their leaders were forced to fly into different countries for protection.

*A Parl. called.*] Henry having thus gained a victory, without bloodshed, came to Coventry; where he had summoned a parl. to meet on the 20th of Nov. 1460. It appears by the list of the lords, called to this parl. that it was wholly made up of those who were staunch friends to the house of Lancaster: though the abps. bps. &c. were summoned as usual. On the day of their meeting, the king sitting in his chair of state, in the Chapter-house, belonging to the priory of our lady at Coventry, the lords and commons being, also, present, Wm. bp. of Winchester, then chanc. made a notable declaration, says our authority, why this parl. was called. But he gives us no more of it, than that he willed the commons to choose their Speaker, and present him the next day to the king. Accordingly, the commons presented Tho. Tresham, esq. whose excuse being rejected, with the common protestation, he was allowed.

*The duke of York, &c. attainted.*] The first thing this parl. went upon, was to bring in, and pass a Bill of Attainder against Rd. duke of York, and others, his accomplices. The instrument is very long, and contains, amongst other matters, the following charges:—1st. "A commemoration of the king's great care in bringing the said duke up from a child; and the many kindnesses and honours, he had bestowed upon him. Next, the confederation of the said duke with Jack Cade, to get himself advanced to the crown. The duke's coming out of Ireland with forces, even, into the king's court and presence. His practices to be protector. His intent to have raised an army against the king at Dartford in Kent. The duke's submission and oath to the king in Paul's, after the same. The duke's oath at large. His confederacy with the earls of Warwick and Salisbury. A rehearsal of the king's sundry favours and benefits conferred on the said two earls. The king's pardon granted to the said duke and earls, and their promises of due obedience, with a renumeration of divers benefits bestowed upon them after. The ambition of the said duke and earls; their new oaths and promises made to the king; their policy in not coming to the council; and their readiness in getting together from a great distance. The expedition of the earl of Salisbury, with Tho. and John Nevile, knights, sons to the said earl; Tho. Parkin, Wm. Stanley, esqrs. sons to Tho. lord Stanley; and Tho. Oringe of Tongue in the county of York, with 500 men and banners displayed at Blore-heath, on the feast of st. Matthew, an. reg. 37. James lord Audley slain at the battle of Blore-heath, in Staffordshire, by the said earl; and John lord Dudley, with several others taken prisoners. The king's pursuing them for the space of 30 days and nights; the king's pardon offered to them, and their refusal. The assembly of the said duke with Edw. e. of March, Rd. e. of Warwick, Rd. e. of Salisbury, Edm. e. of Rutland, John lord Clinton, John Wenlock, Js. Pickering, John Coniers and Tho. Parr, knights; John Bourchier and Edw. Bourchier, esqrs. nephews to the said duke; Tho. Colt of London, gent. John Clay of Cheshunt in Hertfordshire, Roger Egerton of Shrewsbury, and Rob. Bold, brother to sir H. Bold, esqrs.; who, with many others, pitched their field near Ludlow in the county of Hereford, on Friday, the vigil of the translation of st. Edw. an. reg. 38. That the duke made a pretence to the army that the king was dead, for whose soul mass was said publicly in the said duke's camp. The king's expectation of the duke, and the duke's ranging his army in battle array, fortifying the ground with carts, placing guns between them; an ambush laid, and his intention to have suddenly surprised the king's forces. The departure of the said duke and earls out of the field, about midnight, under colour to repose themselves at Ludlow; and their flight into Wales, because that their army fainted and submitted themselves to the king, who granted them pardon."

Wherefore, for these and many other causes, the said duke, earls, and others, were attainted of Treason by parl. and voted traitors to the king and kingdom; Alice the wife of Rd. earl of Salisbury, sir Wm. Oldhall, knt. and Tho.



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Vaughan, of London, esq. were, at the same time attainted as traitors, for procuring and aiding the treasons aforesaid. And all and singular hereditaments, &c. of the said duke, and others, attainted, in fee or fee-tail, were adjudged to be forfeited to the crown; and their heirs disinherited to the 9th generation. Rd. Gray, lord Powis, sir H. Radford, and Walter Devereux, esq. were pardoned their lives, for being in the field with the duke at Ludlow; but their hereditaments, and other profits, were forfeited as before. It was enacted, "That all letters patents and grants of any office to any person that was against the king in the fields of st. Albans, Blorcheath, and Ludlow, shall be void; and that all grants made by Rd. duke of York, or by the earls of Salisbury and Warwick to any persons, being in those fields against the king, be also, void. But that all grants made by the king to persons with him in the said fields, may stand good; some proviso's excepted." At the request of the commons, Walter Hopton, Roger Kenistone, Falk Stafford, Wm. Hastings, son to sir Leonard Hastings, and Wm. Bowes, esqrs. for being in the field against the king at Ludlow, paid their fines, and were pardoned. At the same time the Commons accused the lord Stanley, in sundry particulars, of being in confederacy with the duke of York; and prayed, that he may be committed to prison. Ans. The king will be advised. After which a solemn oath was framed, which all the bps. and lords, there named, did take, subscribe and seal, on the 11th day of Dec. in full parliament.

'In this parl. the commons exhibited a complaint against 25 knights and esquires, by name, of several counties, for their manifold robberies, rapes, and executions; against which strict orders were taken to cause them to answer for the same.—It was enacted, "that all letters patents made to any person or persons, of the offices of sheriffs or escheators for life, within the counties of Chester and Flint, be utterly void; except certain persons there named." Lastly, an act was passed, "that all such knights of any county, as were returned to this parl. by virtue of the king's letters, without any other election, should be valid; and that no sheriff, for returning them, shall incur the penalty of the statute made 23 Hen. VI."—After all which, on the 25th of Dec. the chancellor, in the presence of the king and the three estates, and by his majesty's command, after giving thanks to the whole body, dissolved this parl.—These were the transactions of this extraordinary parl. extracted from the records; of which our historians are almost altogether silent; nor is there any mention of it in the Statutes at Large, except that we find an act was made in the next to repeal and abolish all the proceedings of this parl. at Coventry.

*The King again taken Prisoner.*] But not long after their rising, affairs had a new turn; and the partizans of the house of York overthrew all the measures that had been taken against them. A battle was fought near Northampton, with great obstinacy on both sides; till at length the victory fell to the young earl of March, eldest son to the duke of York, who, in his father's absence in Ireland, was general in chief: 10,000 of the king's forces were slain; amongst whom were Humph. duke of Buckingham, John Talbot earl of Shrewsbury, Tho. lord Egremont, John visc. Beaumont and sir Wm. Lacy. The king himself was again taken prisoner in his tent; whilst the queen, with the young prince Edw. her son, and the duke of Somerset, fled as far as the bishopric of Durham, before they thought themselves safe from the pursuers. This battle was fought July 10th, 1460.

*A Parl. called.*] The victorious lords having the king once more in their power, and ruling all things, almost at their own pleasure, proceeded vigorously in the execution of their designs. To that end, they summoned a parl. to meet at Westminster, on the 7th of Oct.—In the presence of the king, sitting in his chair of state, in the Painted Chamber at Westminster, and of the lords and commons, George bp. of Exeter, then chancellor of England, made a notable declaration, taking for his theme, 'congregate populum, & sanctificate ecclesiam,' Joel 2. At the conclusion of which, the commons were desired to chuse their Speaker, and present him to the king. The next day the commons made a declaration to the chancellor, that they had made choice of a Speaker; and, on the 4th day of this session, they presented John Green, esq. whose excuse being refused, he was admitted as usual.

*Acts of the late Parl. at Coventry repealed.*] The first thing this parl. went upon, was to pass an act to repeal the last, held at Coventry, Nov. 20th, 38 Hen. VI. and that all acts, statutes, and ordinances, made by the authority of the said parl. shall be reversed. For which this reason is assigned, "because that parl. was unlawfully summoned, and the knights and burgesses not duly chosen."

*The D. of York's claim to the Crown.*] We are now arrived at the moment when Richard duke of York made his public claim to the crown of England, in the face of an English parl.—On the 16th of Oct. says Cotton, the council for the duke of York exhibited a writing to the lords, in full parl. containing the Right and Claim of the said duke to the crown of England, and lordship of Ireland. The lords, upon some consultation amongst themselves, agreed that it should be read, but not answered without the king.—The duke, in his claim, derived his pedigree from Henry III. to Edw. III. and proved himself descended in a right line from Lionel duke of Clarence, 3rd son to Edw. III. by which he avouched himself the undoubted heir to the crown before any of the line of John of Gaunt, who was only the 4th son to the said king Edw.

The lords, after a long consultation, thought

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proper to lay this Claim and Title before the king, who desired them to call the judges, king's serjeants, and the attorney-general, to answer the same. But they, well considering the danger in meddling with this high affair, utterly refused to be concerned in it. Upon which an order was made, that every peer might freely and indifferently speak his mind, without fear and impeachment. And in the end the following objections were made to the duke's claim:—I. "The oaths of all the lords taken to the king in being, and particularly the oath of the duke himself. II. The several acts of parl. made against the title of the said duke. III. Several acts of entail made of the crown of England. IV. That the duke, by pretending to draw his title from Lionel duke of Clarence, should rather bear his arms, than those of Edm. Langley duke of York. V. That at the time Henry IV. took upon him the crown of England, he had the same, not as conqueror, but as right heir to Henry III."

The Answer which Rd. Plantagenet, commonly called duke of York, gave to the objections aforesaid, was as follows: 1st. "That no oath, being the law of man, ought to be performed or kept, when the same tendeth to the suppression of truth and right, which is against the law of God. To the 2nd and 3rd, he knoweth no other acts of parl. than one, 1 Hen. IV. touching a general tail by him a wrong-doer; for if he had any right to the same, he neither needed, nor would have made such an entail. To the 4th, he justly might have born the arms of the duke of Clarence, and of England; only he forbore the same for a time, as he did his claim to the crown. The 5th, being a manifest, and an approved untruth, was only a cloak to shadow the violent usurpation of Henry of Derby."

After this Answer of the duke, to the objections against his title, was read in the house, the lords went upon ways and means to compromise matters, and came to this resolution, "That the king should enjoy the crown of England, during his life; and that the duke and his heirs should succeed after him." Which determination the chancellor was appointed to declare to the king. And the duke of York's pedigree and title being again repeated to him, the king consented to this award; and it was drawn up in form following: "That the king should, during his life, enjoy the crown and pre-eminence of the realm of England. That the said duke, the earl of March, and Edm. earl of Rutland, his sons, should be sworn by no means to shorten the days, or impair the sovereignty of the said king, during his life. That the said duke should be from thenceforth reputed and stiled the very heir apparent to the crown aforesaid, and shall enjoy the same after the death or resignation of the said king. That the said duke shall have lands and hereditaments allotted to him of the clear yearly value of 10,000 marks; that is, 5000 for himself, 3500 for the earl of March, and 1500 marks for the earl of Rutland. That the compassing the death of the said duke shall be treason. That all the bps. and lords, in full parl. shall swear to the said duke and to his heirs, in form aforesaid. That the said duke, and his two sons, shall swear to defend the lords on this agreement."

The king, on his own free motion, and the consent of the lords, agreed to all the ordinances aforesaid; and utterly repealed the said statute of entail, made, Hen. IV. so, always as, hereafter, no better title could be proved for the defeating of this title and act.—After all this, on the vigil of the feast of All Saints, the duke of York, and the two earls, his sons, came into the parl. before the king and lords; and there both promised and swore to perform the award aforesaid; provided the king, on his part, duly performed the same; which the king then also promised to do. All which protestation the duke and earls required to be enrolled.—Then the king, by his letters patents, assigned to the duke of York several districts and other hereditaments in Wales, and elsewhere, to the yearly value of 10,000 marks as aforesaid; in which grant are some provisoes, particularly for the dutchy of Lancaster. All this was confirmed by the full consent of parl. and an act was published "declaring the duke of York to be right heir to the crown; by which also a power was given him, to ride through the whole kingdom, for suppressing of all rebellions and insurrections: wherein commandment is given to all sheriffs, officers and subjects, to obey him as the king, under some restrictions."

Mr. Daniel tells us, that after the victorious lords, who had now the king in their power, had caused him to call a parl. they sent messengers, with all speed, to Ireland, to inform the duke of York of their success. Ambition, says our author, needs no spurs; the duke presently embarked himself and his retinue at Dublin, landed at Chester, and Oct. 10, made his public entry into London; with trumpets sounding, a naked sword borne before him, a great train of armed men accompanying him; and took up his lodging in the king's own palace, and in his own apartments, the humble king contenting himself with the queen's lodgings.—The parl. had sat 3 days before the duke arrived; and he having passed through the city, in the manner aforesaid, went directly to Westminster, into the house of peers, and placed himself on the king's seat or throne; though Biondi says, that he did not sit down, but only took hold of the cloth of state. He stood a while in that posture, looking upon the lords stedfastly, as though he would read their countenances, their thoughts, and resentment of that action. At that instant, Thomas Bourchier, abp. of Canterbury, came from Henry into the house, and after making the usual reverence to the duke he asked him, 'Whether he would not go, and pay his respects to the king?' The duke, at this question, was observed to change colour, and then answered him in a passion, 'That he knew none in this kingdom

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to whom he owed that duty or honour; but, on the contrary, all men owed it to him; and therefore king Henry ought to come to him.'—The abp. having heard this reply, went back to the king to let him know it; which the duke perceiving, he rose up and followed him into the palace, got possession of the king's lodgings, breaking open several doors and locks for entrance. He staid there but a little while, and then returned to the house again, leaving his servants and chief attendants to keep them for him. Being again seated on the throne, he boldly made his demand of the crown and the regal authority of England, in a speech for that purpose.

*The Duke of York slain.*] To put the last hand to this affair, the duke of York was very desirous that the queen and her son should also be present to ratify the treaty. The king wrote to them both to come up, but he soon found the spirit of that fierce princess otherways disposed than his own. In short, she absolutely refused to obey; and having an army with her of 18,000 men, with the dukes of Somerset and Exeter, the earls of Wiltshire and Devonshire, the lord Clifford, and a considerable party of the northern nobility, she hoped to manage better for their common interest than her husband had done.—The duke of York being apprised of the queen's resolution, and the preparations she had made to preserve the crown to her son, marched down his forces into the north; and, leaving Henry to the care of the earl of Warwick and the duke of Norfolk, advanced with the earl of Salisbury as far as Wakefield. He had given orders to his son, the earl of March, to follow and join him with what forces he could raise; and, till their arrival secured himself and his small army in the castle of Sandal, near the town aforesaid. The queen well knew that she had no time to lose, and therefore came herself in person, at the head of her army, to attack the duke before his son could come to his assistance. The duke was scarce 5000 strong, but his great courage was the occasion of his ruin, for scorning to be cooped up in a castle by a woman, contrary to the advice of the earl of Salisbury and other old officers, he ventured to give her battle; where, being overpowered by numbers, he bravely fell, and his small army were cut in pieces. With him was slain also the earl of Salisbury, with many more of note; but none is so remarkable as the death of the young earl of Rutland, scarce 17, who was butchered by the lord Clifford after the battle was over, because he had the misfortune to be son to the duke of York. The queen was highly elated at this victory, and the death of her greatest enemy: she first ordered his head to be struck off, crowned with paper in derision, and, with the heads of the earl of Salisbury, and others, set on one of the gates of York. She then marched southward with her victorious army to deliver her husband; and, in a new parl. to get the late accommodation with the house of York annulled, and set aside. For some time longer fortune was her friend; she defeated the earl of Warwick near St. Alban's, retook the king, and marched for London with her forces, in order to compleat her design. But hearing that the young earl of March, now duke of York, had beaten the earl of Pembroke in Wales, and was marching towards her, joined with the earl of Warwick and his scattered troops, she changed her rout and went northward, not having any confidence in case of a battle, in the Londoners, or her southern subjects.

*Edward proclaimed King.*] Edward being informed of this, marched directly for the capital, where he was joyfully received; and having assembled all the bishops and lords that were in town, along with the principal citizens, like Alexander, he cut the knot at one stroke, which his father had so long been endeavouring to unloose. In short, in that assembly, he reclaimed the crown, first by an undoubted hereditary right; and next by an infraction of the 7th article in the Accord, made between Henry and his father, in the last parl. which the said Henry had broken. The affair was pushed so warmly, that he was upon the spot declared king, by the name of Edward IV. March the 5th, 1461; being then just 20 years of age. The next day he made a solemn procession through the city, first to St. Paul's, and next to Westminster-abbey; and was proclaimed king by the title aforesaid, with the usual ceremonies.

*Taxes during the Reign of Henry VI.*

In his 1st year the commons granted to the king the same subsidy on woollen or staple wares, tunnage and poundage as formerly, for two years to come.—In his 2nd year the same tax was renewed.—In his 3rd year the former subsidies on wools was granted for 3 years longer; and tonnage and poundage for one year; upon condition, that foreign merchants should be strictly looked to for their duties.—In his 4th year the same subsidy on wools, &c. with tonnage and poundage, was granted for two years, as in the preceding parliaments.—In his 6th year the parl. granted a subsidy of 3s. a tun for all wine imported, and 1s. in the pound for all merchandize. Besides this, there was a kind of a Poll-Tax on every parish that was worth ten marks per ann. ten of the chief parishioners were to pay 6s. 8d. a head. And in every parish worth 10l. a year, the like number of parishioners were each to pay a mark. In all corporations, every person worth above 20s. besides his apparel and household goods, was to pay 4d. each to the king; and so proportionably for every 20 they were worth more.—In his 8th year a Supply was granted of one whole 10th and one 15th, to be levied on the laity. The commons, at the special instance of the bp. of Winchester, just then made a cardinal, granted another 10th and a 15th, to be levied as above. They also gave the king a grant of tunnage and poundage, to continue till the next parl.—In the same session they gave the king the same subsidy on wools,

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as was granted in former parliaments, for two years. And at the same time, they consented to shorten the payment of the last 10th and 15th, to relieve the pressing necessities of the state.—In his 9th year the parl. granted a supply of one 10th and one 15th, and a third of both. They also gave tonnage and poundage for two years, with a subsidy of the like value on all merchants aliens, over and above the said tonnage and poundage. The commons also granted to the king 20s. from every layman holding a knight's fee, and according to the value under or over. The same from the clergy for all lands purchased since the 20th Edw. I. And that all other persons, having hereditaments to the value of 20l. over all reprises not held as above, shall also pay 20s. and so according to rate: but this was afterwards given up by the king.—In his 10th year he had one 10th and half a 15th; also one year's subsidy on wools, and the same tonnage and poundage, as in the last parl. But he released the increase of 6d. in the pound on merchant-strangers.—The next year the parl. granted a 10th and a 15th, to be levied on the laity. They likewise granted the same tonnage and poundage given the last year, for two years to come; as also a subsidy of 53s. 4d. on every sack of wool for three years ensuing; and besides this a vote of credit of 100,000 marks.—In his 14th year a very unusual subsidy was granted, viz. That every person holding any frank tenant in lands, annuities, fees, offices, or hereditaments, above the yearly value of 5l. should pay 6d. for every pound, upon his oath; and a 10th and a 15th was granted on the laity. A subsidy also on every sack of wool, 33s. 4d. from merchants denizens, and 46s. 8d. from aliens; and so according to that rate on other staple ware, with tonnage and poundage for two years.—In his 15th year the subsidies granted were the like 10th and 15th, as in the last. Also the same subsidy on wools, &c. was granted for 3 years to come.—In his 18th year a 10th and a 15th, and half a 15th, was granted to be levied of the laity, as in his fourth year. An impost on wools was also granted for 3 years; and that all aliens, not denizens, within the realm, should pay to the king yearly 16d. for each, being an housekeeper; being none 6d.—In his 23rd year a 10th and a 15th, and a half of both, was granted by parl. A subsidy also of 34s. 4d. of denizens, and 53s. of aliens, for every sack of wool, &c. with tonnage and poundage of denizens, and double of aliens, was granted to the king for four years.—In his 27th year a grant of a 10th and half a 15th, to be levied on the laity, passed both houses; with a grant also of tonnage and poundage, for 5 years to come, on all merchants whatsoever, with an addition of 3s. more on aliens, as well of the Hanstowns as otherwise. Another grant was also made of half a 10th and a whole 15th. Likewise a poll-tax was again renewed and granted to the king of 16d. to be taken of every householder within the realm, not born within the king's dominions, and 6d. of every other person so born, and no householder; with 6s. 8d. of every merchant-stranger, and 20d. of their clerks. Lastly, the like subsidy on wools was granted for four years, as before.—The next year the following subsidy was granted, viz. That every person having by free deed, copy, grant of annuity, or office, the clear yearly value of 20s. in frank-tenement, should pay 6d. and so from 20s. to 20l. From 20l. to 200l. yearly, 12d. in the pound: from 200l. and upwards 2s. for every pound, as well laity as clergy; guardians of wards, men having fees, and all corporations to pay accordingly.—In his 29th year he had a grant of 20,000l. out of the customs of London and Southampton; and a very extraordinary monopoly was granted in order to raise money.—In his 31st year the commons granted one 10th and one 15th; likewise tonnage and poundage during his life. For the same term 53s. 4d. for every sack of denizens, and 5l. from aliens, and so for other staple-ware in proportion. Likewise every merchant, not born within the realm, and no denizen, and keeping house, 40s. and of every such merchant, as shall remain within the realm but six weeks, 20s. And of every merchant alien, being no denizen, 13s. 4d. yearly, during the king's life.

"In his 20th, or according to some authors," says sir John Sinclair, "in the 22nd year of his reign, the king required a benevolence for the purpose of defending Calais, at that time in imminent danger. These contributions were originally accounted perfectly free and voluntary; they were called 'liberalitas populi' by Richard I, 'curialitas' by such of his successors as attempted to raise them; and proceeded according to Henry the V.'s confession, 'ex spontanea voluntate, ac de jure vindicari non possunt.' But the instructions given by this monarch to his commissioners for procuring the benevolence, contained a very different doctrine. It is there stated, that by law he could compel all his subjects, at their own charges, to attend his wars; but that he was willing to spare such as would contribute as much as two days personal service would stand them in, according to their rank and quality. Thus he publicly declared, that if they did not tax themselves, money would be exacted from them by other means much less pleasing. There is extant in the rolls of parliament, a very particular account of this monarch's revenue, from which it appears, that the annual produce, in consequence of the decrease of the customs, and mismanagement in the collection, had fallen to 64,946l. 16s. 4d.; and such were the deductions from it, and the expences of government, that the charges exceeded the receipts 35,000l. per annum. Nay, it was afterwards declared in parliament, that the income of the crown was reduced by grants, pensions, and otherwise, to only 5000l. During Henry's minority, the revenues of the crown had been greatly diminished by the arts and negligence of those who were in power, and in

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consequence of the expences incurred in carrying on the war against France, which were principally defrayed from the income of the crown, the parliament furnishing very little assistance. Nor were matters much amended when the king took the government into his own hands: for he suffered himself to be defrauded by his ministers, who devoured the greatest part of his revenues, and who, in the words of an ancient record, gave away the rights, possessions, and profits of the crown, in the manner of a spoil. Different steps were taken by parl. and by his council, to improve the king's situation. In the parl. held anno 1450, a full resumption was made, of all the grants which had taken place since the death of Henry V. To prevent the king from wasting his revenues, his council advised him to convey to the archbishop of Canterbury, in trust, all the profits of wards, marriages, reliefs, escheats, and forfeitures, to defray the expences of the household; and in the 29th year of his reign, those expences were reduced by parl. to 12,000l. per annum; whereof 2000l. was paid out of the queen's jointure, or separate estate. His debts, at the same time, amounted to the enormous sum of 372,000l.; towards the payment of which, the parl. was obliged to give some assistance; and his reign furnishes one of the first examples in the English history, of a debt being contracted on that species of security."

*Price of Provisions and Labour during the Reign of Henry VI.; by which a better Idea may be formed of the Value of the foregoing Taxes.*

In 1423, wheat sold for 8s. a qr. and malt for 5s.—In 1425, a colt sold for 8s. Pease for 2s. 2d. a qr.; and for 3d. & 1-8th a bushel. An ox's hide for 2s. 5d. A cow's hide for 1s. 3½d. and for 1s. 7½d. A calf's skin for 1½d. Twenty-one lambs for 4s. A dozen of sheep-skins for 3s. A tod of pure wool for 9s. 6d. the tod. Nineteen ells of napkin cloth sold for 5s. A gallon of ale for 1½d. Red wine at 8d. a gallon, or flaggon. Sweet wine at 1s. 4d. A stone cutter for a day's labour 4d. A tyler 3½d. A sawyer 4d. For twenty pullets 1s. 8d. For a qr. of an ox to salt 1s. 4d. For a cade of red herrings (720 the cade) 8s. For a frail of figs 3s. 4d. For 12lb. of raisins 1s. 1d. For a great flesh-ax 1s. 4d. For 2 yards of russet cloth for the shepherd 2s. 2d. For 4 qrs. of wheat to be malted 16s. For a bay horse, for the prior's stable, 1l. 6s. 8d. For two colts 9s. For 30 pair of autumnal (winter) gloves for the servants 4s. To the baker's servant for 10 days 1s. For threshing a qr. of wheat 3½d. For 8 woodcocks for a present 1s. For 12 pair of gloves to the bp. of Worcester's servants 5s. For one man plowing and harrowing 12 days 1s.—In 1426, five oxen, each appraised at 3s. 4d. Six cows, each at 2s. 8d. Three horses, each at 3s.—In 1435 and 1436, wheat, on account of a wet autumn in 1434, sold for 1l. 6s. 8d. but the year following it fell to 5s. 4d.—In 1439, wheat sold for 20s. a qr.; and also in some places for 1l. 6s. 8d.—In 1440, the scarcity still continuing, wheat sold for 1l. 4s. a qr.; and malt for 13s. Oats 5s. 4d. Wine 1s. a gallon; and bay salt 1s. a bushel. See Fabian, Kennett, Spelman and Stowe.—From 1441, we have the following account by bp. Fleetwood, viz. For 100 qrs. of wheat 21l. 13s. 4d. each qr. at 4s. 4d. For two bushels of wheat for seed 1s. For two bushels of pease (for seed also) 1s. For 5 qrs. of pease 15s. For 50 qrs. of malt, 10l. For six calves 12s. For eight porkers 1l. 4s. without the heads. For 40 geese 10s. For 21 doz. of pidgeons 10s. 8d. For 15 doz. of pidgeons 7s. 6d. For 100 doz. of pidgeons, each doz. at 5½d. For an ox 1l. 11s. 8d. For eight cignets, or young swans, each 3s. For a flitch of bacon 1s. 8d. For 4 oxen, young and lean, 52s. For 26 warp of ling 1l. 10s. 4d. For 100 stockfish 17s. 6d. For a barrel of herrings, i. e. 30 gallons fully packed, 1l. For two plough oxen 1l. 3s. For a qr. of oats 1s. 8d. For 3 bushel of green pease, for seed, 2s. 3d. At this time it appears, that master-traders wrought by the day at 3d. and their labourers or servants at 1d. But then it is believed they had their meat and drink. The yearly wages were, some 1l. 6s. 8d. and others 1l.—In 1445, 7½ qrs. of wheat came to 30s. which is, each qr. at 4s. 6d. Oats, by the qr. at 2s. Twelve flaggons, or gallons of ale 1s. 6d. Hay, by the load, 3s. 6½d. For 3000 red herrings 1l. 11s. Twenty-four bullocks and heifers 6l. each head at 5s. Cloth for surplices for scholars, the ell, at 8d. This was the same as used at the altar; and therefore, in those days was certainly fine.—In 1447, wheat, by the qr. 8s. Oats, the qr. 2s. 1½d.—In 1448, wheat, by the qr. 6s. 8d. Oats, the qr. 2s. A cade of red herrings 5s. 8d. A barrel of white herrings 9s. 3d. In 1449, wheat, by the qr. 5s. A cade of red herrings 6s. A barrel of white herrings 10s. 3d. Fifteen sheep, at 1l. 16s. 10d. each sheep at (within ½) 2s. 5½d. Seven hogs, at 13s. 8d. each hog at (within ½) 1s. 11½d.—In 1450, oats the qr. 1s. 10d. beans the qr. 2s. 6d.—In 1451, wheat, by the qr. at 8s. Oats the qr. 10s. 10½. 26 gallons of ale 3s. each gal. at 1½d. Beans, the qr. 3s. 4d. For a cade of red herrings 7s. 4d. For a barrel of white herrings 13s. 7d.—In 1453, wheat, by the qr. 5s. 4d. Ale, per gallon 1½d. A cade of red herrings 7s. 6d. Fourscore white herrings 1s.—In 1454, oats by the qr. 1s. 10½d.—In 1455, wheat very cheap, the qr. at 1s. 2d. Malt, the qr. at 1s. 5d.—In 1457, wheat, by the qr. 7s. 8d. Oats the qr. 1s. 9½d. A gallon of ale 1d. A cade of red herrings at 6s. 8d. 92 white herrings 1s.—In 1459, wheat by the qr. 5s. Oats the qr. 8s. 10d. A gallon of ale, 1d. A cade of red herrings, at 7s. 10½d. 92 white herrings, at 1s.—In 1460, wheat the qr. at 8s. Oats the qr. 2s. A gallon of ale at 1d. A cade of red herrings, at 7s. 192 white her-

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rings, at 2s.—Here the bp. takes notice; that from 1440 to 1460, wheat was never above 8s. the qr. notwithstanding the sword was drawn betwixt the houses of York and Lancaster, which usually cuts down corn, as well as men.

*Acts passed in the Reign of Henry VI.*

1 Hen. VI.—1. Touching the mints at York and Bristol. 2. That the sheriff make proclamation of the statutes of purveyors. 3. Against riots by Irishmen. 4. Touching the mint and exchanges. 5. For the gains of the wars to be deducted for the wages of such as were retained to serve the king. 6. The statute of 9 Hen. 5. c. 9, touching security for exchanges to be made by merchants of the court of Rome, revived.

2 Hen. VI.—1. Confirmation of liberties granted to holy church, and to cities and boroughs. 2. Touching the privileges of the hospital of st. Leonard in York. 3. That John duke of Bedford, being in the king's wars in France, be received by his attorney to defend his right in any action. 4. For the staple at Calais. 5. Concerning shipping of wools, &c. 6. Against carrying of gold and silver out of the realm. 7. Against cordwainers using the mystery of tanners. 8. For expelling Irishmen. 9. For abolishing the money called blanks.—A penalty on deceitful workers of gold and silver embroidery. ——Concerning the reversal of out-lawries against persons in the king's service.—The justices to remove nuisances in the Thames. 10. For officers in the king's courts. 11. For the measure of vessels of wine, &c. 12. The mint master shall keep the allay of white money according to the indenture. 13. For the price of silver plate, and for the increase of white money. 14. Touching goldsmiths selling harness of silver.—For punishment of servants, &c. taking unreasonable wages. 15. Against nets and engines in the Thames, and other rivers. 16. Remedy for these in reversion, where the particular tenants have lost by default. 17. Persons indicted of high treason, escaping out of prison, shall be adjudged traitors.

3 Hen. VI.—1. Against chapiters and congregations of masons. 2. Against the carrying of sheep into Flanders, and other places beyond the seas. 3. Against concealing of the king's customs. 4. Touching the transportation of butter and cheese. 5. Touching the river Lee running from Ware to Thames.

4 Hen. VI.—1. Concerning the duty of sheriffs and against the embezzling of writs. 2. For protections of such as served in the king's wars in Normandy. 3. Confirmation of an act, 9 Hen. 5, c. 4, for amendments of records. 4. Suits and writs against certain knights newly made, shall not abate. 5. Confirmation of the statute 17 R. 2, c. 7. touching transportation of corn.

6 Hen. VI.—1 Touching process upon indictments in the king's bench. 2. How long time panells in assizes shall be delivered to the parties before the sessions of the justices. 3. Touching wages of husbandmen, and punishment of labourers taking more. 4. Concerning the election of knights and burgesses of the parliament. 5. Concerning sewers with the form of the commission. 6. For shipping of goods at Melcomb Regis, and conveying them to Calais.

8 Hen. 6.—1. For the Liberties of the Clergy coming to the convocation. 2. For the staple of Denmark. 3. Touching sewers. 4. Against retainers, and giving of liberties. 5. For a common balance and weight to be in every city, borough, and market town, and against the buying of woollen yarn. 6. Against casting of seditious and threatening bills into mens' houses. 7. Concerning the elections of knights of the parliament. 8. Touching the wages of labourers and servants. 9. An act to repress forcible entries. 10. Concerning process upon indictments and appeals of persons dwelling in foreign counties. 11. For taking of apprentices by the citizens of London. 12. For amending of records, and against embezzling them. 13. Touching protections for such as shall go over sea with the king. 14. Against felons and murderers that hide themselves in woods. 15. For amendment of records. 16. Touching inquisitions taken by escheators. 17. Concerning the staple at Calais. 18. For prices of staple wares, and for the mint at Calais. 19. Against the privy conveyance of merchandizes out of the realm. 20. Touching the inhabitants of Calais, using to buy staple wares. 21. Repeal of all licenses granted to men of Newcastle and Berwick for shipping to other places than Calais. 22. Against clacking and forcing of wools. 23. Against cutting of woollen threads, and sending them beyond sea for thrums. 24. Against payments in gold made to merchants aliens. 25. For the continuance of the mayor of the staple in his office for two years. 26. For the punishment of such defendants, as in assises, or any personal actions make default, to put any lords, mayors, &c. from their jurisdiction. 27. For the free passage of trows and other vessels through the river of Severn by the inhabitants of Tewkesbury. 28. For erecting two bridges upon the waters of Burford and Culhamford, in the highway betwixt Abington and Dorchester. 29. For inquests between aliens and denizens.

9 Hen. VI.—1. Act for the adjournment of assises and *Nisi prius* during the parliament. 2. English merchants may sell their merchandizes to aliens, at six months credit. 3. Confirmation of the attainder of Owen Glendour, 4. An *idemptitate nominis* shall be maintainable by executors. 5. All men may have free passage in the river of Severn. 6. Concerning the weights of the borough of Dorchester. 7. Against the extortion of the sheriffs of the county of Hereford. 8. A weigh of cheese shall weigh 32 cloves, and every clove 8lb. 9. For the cleansing and scouring of the river of Lee. 10. Confirmation of the statute

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3 H. 5, c. 2, concerning attornies in courts baron for abbots and religious persons. 11. Before a writ of bastardy shall be awarded, proclamations thereof shall be made in chancery, &c.

10 Hen. VI.—1. For the validity of recognizances of debts taken before the mayor of Calais. 2. Touching the election of the knights of the parliament. 3. For reprisal of goods taken by them of Denmark. 4. For the true entry of appearances by philizers and exigenters. 5. For reparation of the banks and beacons at Calais. 6. Touching process upon indictments and appeals removed into the king's bench. 7. Against the shipping of staple ware to other places than to Calais.

10 Hen. VI. Stat. 2.—For the wages of the judges, king's serjeant, &c.

11 Hen. 6.—1. Act against stewholders in Southwark, and prohibiting them to be impanelled upon juries. 2. Against naming of sheriffs disseisors in assise. 3. An assise or other action shall be maintainable against the pernours of the profits. 4. Plaintiffs in writs of attaint shall recover costs and damages. 5. He in the reversion may have waste against the pernours of the profits. 6. No suit before justices or commissioners shall be discontinued by a new commission. 7. Continuation of an act 9 H. 6. c. 7. against the extortion of sheriffs of Herefordshire. 8. Confirmation of the statutes for true weights and measures. 9. The length and breadth of cloths called streits. 10. He which sueth to defeat execution of a statute removed by *Corpus cum causa*,' shall find surety to satisfy both the king and the party. 11. Against assaults made upon lords or others coming to the parliament. 12. Concerning wax chandlers. 13. Confirmation of a statute 8 H. 6, concerning the staple, and for selling wares for ready money. 14. Against shipping of staple merchandizes in creeks. 15. For punishment of customers which will not discharge the merchant that hath paid his custom. 16. Against customers making blank cockets to merchants.

14 Hen. VI.—1. That justices of *Nisi prius* may give judgment, as well where traitors and felons be acquitted, as where they be convicted. 2. Against licenses for shipping of wools. 3. The assises for the county of Cumberland shall be holden at Carlisle. 4. Justices of peace in Middlesex may keep their sessions but twice in the year. 5. For shipping of merchandizes only to the staple. 6. For aliens to sell victuals in gross or retail. 7. Concerning taking of prizes upon the seas. 8. The statute against the breaking of safe conducts and truces suspended.

15 Hen. VI.—1. Concerning suits before the steward and marshal of the king's house. 2. For carrying of corn over the seas. 3. The clause *Vidimus* shall not be put in safe conducts. 4. None shall sue forth a subpœna, until he find surety to satisfy the defendant's costs and damages, if he do not verify his bill. 5. Touching the sufficiency of jurors returned in writs of attaint. 6. Against unlawful orders made by guilds and fraternities. 7. Touching the wapentakes of Sandcliffe and Frendles, in the county of York, and that religious persons may make attornies in the courts holden for these places, and in all other such places. 8. Against carriage of staple ware not customed.

18 Hen. VI.—1. Letters patents shall bear the date of the delivery of the king's warrant into the chancery. 2. Such as have gavelkind lands to the value of 20l. per annum, may be returned for jurors in attaints. 3. For the transportation of butter and cheese to other places than Calais. 4. Touching merchandizes foreign bought and foreign sold, and the duty of the hosts of merchants strangers. 5. Touching collectors of dismes and fifteens. 6. No lands shall be granted by letters patents, before the king's title be found. 7. For returning of officers by escheators. 8. What things are requisite to make the king's safe conduct good. 9. Touching entries by philizers and exigenters. 10. Commissions of sewers shall be awarded during 10 years. 11. None shall be justices of peace, unless he hath lands to the yearly value of 20l. 12. Appeals or indictments supposed in a place where there is none such, shall be void. 13. No man outlawed in Lancashire shall forfeit any other lands or goods, but such as he hath in the same shire. 14. Concerning the making of arrays and panells of inquests. 15. Against the carriage of wools to other places than to Calais. 16. There shall be one measure of cloth through the realm. 17. Touching the gauging of vessels of wine, oil, and honey. 18. Concerning captains abating soldiers wages. 19. Touching soldiers departing without licence from their captains.

20 Hen. VI.—1. For the inrollment of safe conducts. 2. Touching outlawries in the county of Lancaster. 3. For punishment of Welshmen for robberies in the counties adjoining. 4. Customs shall be paid by persons made denizens as merchants aliens. 5. No customer, comptroller, &c. shall have any ship, use merchandize, keep a wharf or an inn, or be factor. 6. Touching shipping of corn over the sea. 7. Concerning not customing goods brought first into Wales, and from thence into England. 8. The king's purveyors taking cattle to the value of 40s. or under, and not making present payment, may be resisted. 9. The order of trial of countesses, &c. by their peers. 10. For making of worsteads in Norwich. 11. For taking away the pain of treason in case of breaking of safe conducts. 12. For reformation of partition of wools by the mayor of the staple of Calais.

23 Hen. VI.—1. Touching purveyors. 2. Concerning the shipping of woollen thrums out of this realm. 3. For the true making of worsteds in Norfolk. 4. For taking outlaws in Wales resorting into Herefordshire. 5. Confirmation of the statute 13 H. 6. c. 2, for conveying of corn over the sea. 6. Against

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gathering of head-pence by the sheriff of Northumberland. 7. None shall be sheriff, undersheriff, or sheriff's clerk, above one year, except the city of London. 8. Concerning commissions of sewers. 9. Against extortion of sheriffs. 10. For levying of knights wages for the parliament. 11. Touching the trial of new foreign pleas, pleaded after issue joined. 12. Concerning wages for servants of husbandry and labourers. 13. Against purveyors. 14. Touching election of knights for the parliament. 15. Touching payment of gauge-pence, and the office of gaugers. 16. Concerning inquests to be taken by escheators, and their fees. 17. No new impositions shall be laid upon them which buy wines in Gascoigne and Guien.

25 Hen. VI.—Against Welshmen.

27 Hen. VI.—1. Restraint of importation of the produce of Brabant, &c. 2. Confirmation of the liberties of the staple. 3. No gold or silver shall be carried out of the realm by merchants aliens. 4. An act against Welshmen confirmed. 5. Against holding fairs upon festival days and Sundays. 6. The king's pardon to the clergy.

28 Hen. VI.—1. Restraint of importation of the produce of Brabant, &c. 2. Concerning purveyors. 3. The king's pardon to sheriffs for occupying above a year. 4. Touching Welshmen and Lancashire men taking goods and cattle under colour of distress. 5. Against extortions by searchers and customers.

29 Hen. VI.—1. Attainder of Jack Cade. 2. Touching process against breakers of truce. 3. For repealing of letters patents made to citizens of York.

31 Hen. VI.—1. Confirmation of the attainder of Jack Cade. 2. Against rioters disobeying privy seals and the king's proclamation. 3. Touching attachments made by the wardens of the marches towards Scotland. 4. By what means he shall obtain remedy, who having a safe conduct, is robbed upon the sea. 5. No customer, comptroller, aulnager, &c. shall have any estate certain in his office. 6. For the making perpetual the statute of 20 Hen. 6, c. 2, touching the forfeiture of those which be outlawed in Lancashire. 7. Exceptions out of the general resumption. 8. An act qualifying a subsidy before granted to the king of wools, fells, and cloth transported. 9. A remedy for a woman which is forced against her will to be bound by statute or obligation.

33 Hen. VI.—1. A remedy for executors against servants, which embezzled their masters goods after his death. 2. Repeal of an act 31 Hen. 6, c. 6, for outlawries in Lancashire. 3. Against extortions of the officers of the exchequer. 4. Concerning brewers in Kent. 5. Touching silk-women. 6. Concerning the abbot of Fountaine in Yorkshire. 7. Touching the number of attornies in Norfolk, Suffolk, and Norwich.

39 Hen. VI.—1. Revocation of a parliament holden at Coventry, 20 *die Novembris*, 37 H. 6.



2. Women of the age of 14 years, at the death of their ancestors, shall have livery of their lands.

## EDWARD IV.

Edward having thus obtained the title of king, *vi et armis*, as it were, had yet much to do to get possession of the crown; for the heroic Margaret was still at the head of an army, composed of all the forces belonging to the red-rose party; fighting for a king who had been long recognised as such, and who had been twice victorious in what was then called the royal cause. Edward, therefore, had no time to lose; he knew very well that he had no other way to secure London, but to leave it immediately, and march towards York. The queen was then in that city; and hearing of his approach, she sent out her army, commanded by the duke of Somerset, the earl of Northumberland, and the lord Clifford, to meet him. Some advantage was gained by these generals at first, by the surprise of the important post of Ferrybridge; but the Yorkists having quickly regained it, they marched over the river Aire, and met the bulk of the queen's army, drawn up in order of battle, in the fields near a village called Touton, about two miles south-west of Tadcaster. It is not to our purpose to enter into the particulars of this bloody engagement: one the greatest and most obstinate that was ever fought in this island: it is sufficient to say that Edward was victorious, after the loss of above 36,000 Englishmen, who then fell by each other's swords. King Henry, his queen, and son, fled into Scotland; and Edward marched into York, where he soon took down the heads of his father, the earl of Salisbury, and others, which had been over one of the city gates; and placed in their room the heads of some of the most mortal enemies of his house, who were taken or slain in the battle. Edward stayed some time at York to fix the northern provinces more fully in his interest; and leaving every thing quiet in those countries, he returned to London, and was solemnly crowned soon after at Westminster, with the usual ceremonies.

*A Parl. called.*] Then to settle all other matters of state, on the most lasting foundation, he summoned a parl. by writs, dated at Westminster, May 23, 1461, to meet at the same place the 6th of July following. But, because the king of Scots was entered into England with an army in favour of king Henry, Edward and his council thought proper to postpone the meeting of the parl.; and, by other writs dated July 26, the same peers were summoned to appear at Westminster, on the 4th of Nov. following. The former writ of summons, directed to Tho. abp. of Canterbury, is in the usual style, with the rest of the bps. abbots, and priors, as well as the temporal lords; but the names of the latter, in this first parl.



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after so great a revolution, may not be unacceptable to a curious enquirer.

*Peers summoned to this Parliament.*

| | |
|---|---|
| John duke of Norfolk | John lord Stourton of Stourton |
| Rd. earl of Warwick | William Bourchier ld. Fitz-Waryn |
| John earl of Oxford | Henry Bromflete lord Vessey |
| Wm. earl of Arundel | Ralph lord Boteler of Sudley |
| Ralph earl of Westmoreland | Thomas lord Gray of Richmond |
| Henry visc. Bourchier | Jn.ld.Suttonof Dudley |
| Edward lord Grey of Ruthin | Wm. Fynes lord Say |
| James lord Berkeley | Rd. Fynes lord Dacre |
| George lord Latimer | William Nevile lord Fauconberge |
| Ralph lord Graystock | John Bourchier lord Barners |
| Wm. lord Bottreaux | Richard Welles lord Willoughby |
| John lord Beauchamp | Sir Henry Fitz-Hugh |
| John lord Audley | Sir Henry Grey |
| Thomas lord Scroope of Masham | Sir Richard West |
| John lord Clinton | Sir Thomas Stanley |
| John lord Lovel | Sir John Nevile lord Montacute |
| Edward Nevil lord Bergavenny | |
| Edward Brook lord Cobham | |
| Reginald lord Gray of Wilton | |

Besides these lords, &c. other writs were directed to summon the 12 judges there named; and, in the writs for altering the time from July to Nov., seven are called to sit in the house of peers.

The parl. met at the time and place last appointed, when, in the presence of the king, sitting on the throne, and of the lords and commons, George Nevile, bp. of Exeter, declared the cause of the summons, in a notable oration, taking for his theme, 'Bonas facite vias et studia vestra.' Jer. 7. After which he ordered the commons to choose, and the next day to present, their Speaker.

*A Speaker chosen.*] The receivers and triers of petitions being appointed, on the 3d day of their sitting the commons presented to the king sir James Strangewaies, knt. to be their Speaker, whose excuse being rejected, he, with the common protestation, was allowed. At the same time, the said sir James made a speech to the throne, in which he took occasion to commend the king, for his extraordinary courage and conduct against his enemies; and returned thanks to God for the great victories given to him. The next thing that was done in this parl. was to read a long declaration of the king's title to the crown; containing, in effect, what his father had delivered to parl. the 39th of the last reign. To which was added, a recapitulation of the tyrannous reign of Henry IV. with his heinous murdering of Richard II.

*The Reign of Hen. IV. declared to have been an usurpation, &c.*] After this an act was passed, that Edward IV. was and is undoubted king of England, from the 4th of March then last past, when all the estates yielded themselves obeisant subjects to the said Edward IV. and his heirs for ever; affirming the reign of Hen. IV. to have been an intrusion and usurpation. It was also enacted, that Edward IV. was seized of the crown and profits of the realm of England, from the said 4th of March, in such sort as king Rich. II. enjoyed the same, in the 23rd year of his reign.—Then a whole recital of the Concord or Agreement, made between Henry VI. and Rich. duke of York, 39 Hen. VI. was read, and the breach of it by sundry means was declared. By which breach it was also declared, that Edward IV. was discharged from the said Concord, and that no article of it should bind him, as king, to that agreement.

Mr. Habington in his Life of Edw. IV. says, that at his coronation, being seated in the most conspicuous place of the Great Hall at Westminster, he himself made an open Declaration of his double title to the crown. "First, by descent, as beforementioned; and next, by authority of parl.; which, upon examination of the late duke of York's title, conferred the possession of the kingdom immediately on him or his heirs, when Hen. VI. should make forfeiture of it, by death, resignation, or breach of that accord sworn there so solemnly between them. And that this Accord was broken, the slaughter of the said duke, oppressed with unequal numbers of Henry's party, at the battle of Wakefield, did but too sadly manifest. Nevertheless, he protested he would forego the justice of his claim, rather than enter upon it without their free vote. At which, unanimously, the assembly cried out, 'king Edw. king Edw.;' joyful that their voices might confirm him king, who had deigned them so humble a compliment, as to profess that he would not receive the title without their suffrage."

*Bills of Attainder.*] Next follows a long bill of Attainder of divers persons for the death of Rd. duke of York, and others; particularly, Hen. VI., Margaret, late queen of England, Edw. called prince of Wales, Hen. late duke of Somerset, and Hen. earl of Northumberland. Reciting, that Wm. lord Bonevile, sir Tho. Kuriel, knights of the garter, and sir Wm. Gower, knt. standard-bearer to Rd. duke of York, were against law beheaded and murdered. Another bill of Attainder was passed against Tho. Courtney, late earl of Devonshire, Tho. lord Roos, John, late lord Nevile, Baldwyn Fulsthurst, Alex. Hedie, Nich. Latimer, Js. Lutterel, Edm. Mountfort, Tho. Fundern, Hen. Lewis, John Heron of Ford, Rd. Tunstal, Hen. Bellingham, Rob. Whittingham, knts.; Andrew Trollop, late of Guinescoe, esq. with several others, for being at the death of the duke of York, at Wakefield, the 30th of Dec. last past.—And, Hen. duke of Exeter, Wm. visc. Beaumont, John Gray, late lord Rougemont, Randolf, late lord Dacre; Humph. Datren, Philip Wentworth, Wm. Rawkesley, Edm. Hampden, Tho. Findrey, John Courtney, John Ormond, alias Botler, Wm. Milley, Simon

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Haynes, Wm. Holland, called the bastard of Exeter, Thos. Ormond, alias Botler, Tho. Everingham, Hen. Roos of Rockingham, with several others, were attainted for being against king Edw. IV. March 29, last, being Palm Sunday, in the fields called Saxton fields, and Towton fields, in the county of York.—Hen. VI., queen Margaret, prince Edw. and some others, there named, were attainted, for delivering up the town of Berwick to James, king of Scots. Likewise, for practising to deliver up the castle and city of Carlisle to the Scots. And the last named persons, with Jasper, earl of Pembroke, Js. earl of Wilts, Rob, lord Hungerford, with certain priests and friars, were also attainted, for procuring foreign princes to invade the king and realm.—Hen. VI. with certain persons aforenamed, Jn. Fortescue, Wm. Talbois, and others, were attainted, for being in the field against Edw. IV. in the bishopric of Durham, the 18th of June last past. And the duke of Exeter aforesaid, Jasper, earl of Pembroke, and others, were attainted for raising war against the king at Tubal, besides Caernarvon in Wales, on Friday next after the feast of st. Edward last past.—The Attainder and Forfeiture of all and singular the hereditaments of the aforesaid Hen. VI. and namely of all the land belonging to the duchy of Lancaster: that the said Edw. IV. shall hold the said duchy and county palatine of Lancaster, to him and to his heirs kings of England, with all offices and liberties to the same belonging, separate from the crown; and that the tenants of the said duchy do enjoy all their liberties, in such wise as when Hen. VI. held the same on the 3d of March last.

*Acts of Restitution.*] After passing all these bills of Attainder and Forfeitures, the parl. went upon acts of Restitution; and the whole process and judgment, as well by parl. as otherwise, against Rd. earl of Cambridge, and several others, was utterly made void and repealed. The like judgment in parl. against John Montague, late earl of Salisbury, and Tho. lord Despencer, was made void; and Rd. earl of Warwick, and Ann, his wife, the daughter of Isabel, daughter and heir to the said Thomas, in right of the said Ann, was restored to all the hereditaments of the said Thomas. Also, Alice, countess of Salisbury, daughter to Tho. Montague, late earl of Salisbury, son of the said John, was restored to all the hereditaments of the said John. Lastly, Tho. Lumley, knt. son to Ralph Lumley, knt. was also restored to all the hereditaments of the said Ralph, and the judgment against him made void.

*Edw.'s first Speech to his Parl.*] At the close of the session the king came to the house, and sending for the Commons, after they had given their assent to the Attainder bills and the rest, addressed them in the following speech, which we have given in the orthography of the time, from the Roll itself:—

"James Strawways, and ye that be commyn for the common of this my lond—for the true hertes and tender consideracions that ye have had to my right and title, that y and my auncestres have had unto the coronne of this reame, the which from us have been long time witholde. And nowe thanked be Almyghty God, of whos grace greweth all victory, by youre true hertes and grete assistens, y am restored unto that is my right and title, wherefore y thanke you as hertely as y can. Also for the tender and true hertes that ye have shewed unto me, in that ye have tenderly had in remembraunce, the correccion of the horrible murdre and cruel deth of my lord my fader, my brother Rutland, and my cosyn of Salysbury and other, y thanke you right hertely, and y shall be unto you with the grace of Almighty God, as good and gracious sovereign lord as ever was eny of my noble progenitours to their subgettes and liegemen. And for the feithfull and lovyng hertes, and also the grete labours that ye have born and susteyned towards me, in the recouering of my said right and title which y now possede, y thanke you with all my herte, and yf y had eny better good to reward you with all then my body ye shuld have it, the which shall alwey be redy for your defence, never sparing nor letting for noo jeopardie. Praying you all of youre herty assistens and good contynuance, as y shall be unto you youre veray rightwisse and lovyng liege lord."

After the king had ended his speech, the Record tells, that the ld. chanc. stood up, and declared, that since the whole business of this parl. was not yet concluded, and the approaching festival of Christmas would obstruct it; he, therefore, by the king's command, prorogued the parl. to the 6th of May next ensuing. At the same time he told them, the king had put out a proclamation against giving of liveries and badges, contrary to law, also against maintenances, robberies and murders; all, and every of which, the bps. lords and commons, there present, promised to obey, and to see observed throughout the kingdom.—Some new commotions happening about this time, prevented Edward from meeting this last parl. at the time of the prorogation. Therefore, it is entered on the Roll, that on the 6th of May, in the 2d year of this reign, because the king could not attend to be there, Thomas, abp. of Canterbury, by the king's letters patents, dissolved the said parl. Dugdale has given us a summons to a parl. at York, to be held the 5th of Feb. 2 Edw. IV. and another the same year to Westminster the 29th of April, but no notice is taken in that author of any other parl. till the 6th of this king.

*A Parl. called.*] However Cotton gives us the proceedings of a parl. summoned by writs, dated Feb. 28th, 1463, to meet at Westminster the 29th of April following. When and where being all met, as usual, George bp. of Exeter, then ld. chanc. declared the cause of the summons in a set speech; after which he directed the commons to choose a Speaker;

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and on the 3rd day of the session they presented John Say, esq. who was accepted.

*A Subsidy granted.*] The only material transaction of this session of parl. was, to grant the king an aid of 37,000l. to be levied in the counties, cities, and towns, according to a rate there expressed. And, on the 27th of June, in the presence of the king, lords and commons, the chancellor, by his maj. command, gave thanks to the commons for the subsidy granted, and prorogued the parl. to the 4th of Nov. next, at Westminster.—On the said 4th of Nov. Thos. abp. of Canterbury, the king's kinsman, by his letters patents, held and continued the parl.; and the same day the chancellor told them that the king, out of his mere grace, released unto the commons 6000l. parcel of the grant aforesaid; whereupon it was enacted that 31,000l. shall be levied in the manner of a 15th, and be called by that name, and then the chanc. in the king's name, and as his lieut. adjourned the said parl. to the 20th of Feb. ensuing, at York.—At which time and place being again assembled, Wm. bp. of Lincoln, by command of Wm. abp. of York, the king's commissioner, by letters patents, held the said parl. and adjourned it over to the 1st of May next ensuing, at York as aforesaid. The reason for this last adjournment is said, in the Abridgment, to be, because that some conspiracies and rebellions being raised against the king in Gloucestershire, he was obliged to go in person to suppress them.

On the 1st of May the lords and commons were again assembled, in the great hall, within the palace of the abp. at York. The king's letters patents were read, constituting and appointing Rd. earl of Warwick and the earl of Salisbury, his commissioners to hold and continue the said parl. from the said 1st of May to the 25th of Nov. following; and upon reading thereof the abbot of Fountain's, by commission under the privy seal, adjourned the same accordingly. The cause of which last adjournment, is assigned to be, that the king was busily employed, in the more northern parts, for the suppressing of rebels, and defence of the kingdom against a foreign invasion.—On the 25th of Nov. at the same place as before, the parl. once more met, when the same commissioners were appointed, to hold and prorogue the said parl. from that day to the 26th of Jan. next ensuing, at Westminster, and the abbot of St. Mary's in York, by the king's appointment, prorogued the same accordingly.—These interruptions and distant adjournments were occasioned by the unsteadiness of the times.

*A Subsidy granted for Life.*] On the 26th of Jan. 1465, the parl. met at Westminster, according to the last prorogation. The very first act they went upon was to grant a Supply to the king, which was done too in a very effectual and unusual manner. For, the commons, with the assent of the bishops and lords, granted to the king, during his life, the subsidies following: first, tonnage and poundage of every English merchant, for every sack of wool, 33s. 4d.; for every 240 wool-fells, 33s. 4d.: for every last of hides, 3l. 6s. 8d.; of every merchant stranger, whether denizens or not, for every sack of wool, 3l. 6s. 8d. For every last of hides, 3l. 13s. 4d. For every 240 wool-fells, 3l. 6s. 8d. with a proviso only made, that the town of Calais, and the soldiers in garrison there, may be victualled and paid with part of the said subsidies according to a rate there stated."—It was also ordained, "That the treasurer of Calais be obliged, under a penalty, to account yearly in the Exchequer; and that he may dispose of all the offices, under him, in the town or marches of Calais, to whom he pleases, to hold the same at the king's will."

*The Staple of Calais.*] The government and Staple of Calais having been often mentioned in the course of this history, it will not be amiss in this place to give some account of it out of the memoirs of Philip de Commines. That author tells us, "that this was the richest jewel in the English crown, and the most profitable govt. in Christendom, if not in the whole world. That he was there several times, during the differences between the houses of York and Lancaster, and was told by the chief officer of the Staple for cloth, that he would willingly farm the govt. of the town, at 15,000 crowns per ann. for the governor of Calais receives all profits on that side of the sea, has the benefit of convoys, and the entire disposal and management of the garrison." And, in another place, he tells us, "that it is almost incredible what prodigious return for their wools, the merchants make twice every year from that place."

Next came on the attainders of several more persons of quality, and others, who were slain or taken in the late battles. After these, an act of Resumption was passed, whereby the king took into his hands all manner of hereditaments belonging to the crown, the principality of Wales, the duchies of Cornwall and Lancaster, and the earldom of Chester; from the feast of the Purification of our Lady last before, in such manner as he had, or ought to have had, on the 4th of March, in the 1st year of his reign; any letters patents, or grants, to the contrary notwithstanding. And that all grants, leases, &c. made by the king, before the said feast, of any hereditaments belonging to his duchy of York, or earldom of March, be also void; but with many provisos.

The last act of this parl. that we think proper to mention, is, That whereas the sum of 32,831l. was due to the mayor and company of the merchants of the staple of Calais, the king, by the authority of parl. in order to content them and discharge that debt, assigned them a power to take a yearly rate out of the subsidy on wool, until full payment be made.

*Sumptuary Laws passed.*] There were several statutes made in this and the preceding sessions of this long parl. for the encou-

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ragement of the woollen manufactory, and trade in general; which the reader will find in the statute-books. One or two, however, deserve mention, which was to restrain the excessive vanity then used in dress or apparel; which, notwithstanding the destruction and misery the civil wars had occasioned, was grown to a very great height. One thing in particular was, the extravagant way the people had got of adorning their feet. They wore the beaks or pikes of their shoes so long, that it encumbered them in their walking, and they were forced to tie them up to their knees. The gentlemen did it with chains of silver, or silver gilt; and those who could not afford to be at that charge, with silk laces. This ridiculous fashion had been in some measure used ever since Rich. II.'s time; but these enormous pikes were now, by act of parliament, curtailed to two inches, under a penalty both to the shoemaker and the wearer.

Likewise, during one of these sessions of parl. a convocation met at London, in which the clergy very willingly gave a 10th to the crown, in acknowledgment for an extensive charter lately granted them. And here, a complaint being made of the violation of sanctuaries, the utmost censures of the church were decreed against those who should drag any persons out of churches, or other privileged places, and carry them to prison. There was also a constitution passed, for the regulation of the clergy's habits.

*A Parl. called.*] In 1467, a parl. was summoned, by writs dated at Westminster, the 28th of Feb. to meet at the same place, on the 3rd of June following. In the presence of the king, sitting on the throne, in the Painted Chamber of the palace of Westminster, and of the lords and commons, Wm. bp. of Lincoln, in the absence of George abp. of York, chancellor of England, by the king's command, declared the cause of the summons; after which, he ordered the commons to choose their Speaker, and present him as usual. Accordingly, sir John Say, knight, was presented, and accepted by the king.

*The King's Speech.*] After which, the King, with his own mouth, made the following oration to the commons.

" John Say, and ye sirs come to this my court of parl. for the commons of this my realm: the cause why I have cald and summoned this my present parl. is, that I purpose to live upon mine own, and not to charge my subjects but in great and urgent causes, concerning more the weale of themselves, and also the defence of them and of this my realme, rather than mine owne pleasure, as heretofore by commons of this land hath beene done, and borne unto my progenitors in time of need; wherein I trust that yee, sirs, and all the commons of this my land will be as tender and kinde unto me in such cases as heretofore any commons have been to any of my progenitours. And for the good will, kindness, and true hearts that yee have borne, continued, and shewed to me at all times heretofore, I thanke you as heartily as I can: also I trust yee will continue in time coming; for which, by the grace of God, I shall be to you as good and gracious a king, and reigne as righteously upon you, as ever did any of my progenitors upon commons of this my realme in dayes past, and shall also in time of need apply my person for the weale and defence of you, and of this my realme, not sparing my body nor life for any jeopardy that might happen to the same."

An act of Resumption was passed, the same in effect as the last parl.; also another, that the king should for ever enjoy all such hereditaments as Rich. duke of York possessed on the 30th Dec. 39 Hen. VI. any grant to the contrary notwithstanding. Rd. Welles, lord Willoughby, son and heir of Leonard Welles, lord Willoughby, was restored in blood to the said lord Leonard, and to all his hereditaments, notwithstanding the attainder made against the said Leonard, 1 Edw. IV. As was also sir Tho. Tresham, and his attainder made void. These were all the transactions of the 1st session of this parl.; for, on the 5th day of July, Robert Stillington, bp. of Bath and Wells, then chancellor, in the presence of the king, lords, and commons, first answered certain petitions from the lower house, and then thanked them, in the king's name, for the statute of Resumption; assuring them, that the king had provided for Calais; had taken the like care for Ireland and Wales; and further, that his maj. desired there might be a due execution of the laws. After which, by the king's command, he prorogued the parl. to the 6th of Nov. next ensuing, at Reading. And from thence the said chancellor again prorogued this parl. by the king's command, from the said 6th of Nov. to the 6th day of May, 1468, at Reading aforesaid. But they did not sit at that place; for the chancellor, at their next meeting, adjourned them from the 6th of May, to the 12th of the same month, at Westminster.

These frequent prorogations were owing to the unquietness of the times, which were far from being settled as yet; but, at this last adjournment, the parl. sat to transact business. For, five days after this meeting, the king sent for the commons into the house of lords, when the chancellor, by his command, spoke to the whole body, to this effect:—" 1st, he began with justice, and instanced the good effects of the same. He next declared, that the 3 estates comprehended the govt. of this land; the preeminence whereof was due to the king, as chief; the 2nd to the bps. and lords, and the 3rd to the commons. He then put them in mind in what poor estate the king found the crown; despoiled of the due inheritance; wasted in its treasures; the laws wrecked; and the whole, by the usurpation, in a manner subverted. Add to this, the loss of the crown of France, the duchies of Normandy, Gascoigny, and Guienne, the ancient patrimony

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of the crown of England lost also; and further, he found it involved in a war with Denmark, Spain, Scotland, Britainy, and other parts, and even with their old enemy of France. Then descending, he told them, that the king had appeased all tumults within the realm: and planted such inward peace, that law and justice might be extended. That the king had made peace with Scotland; that the lord Winters was negociating a league with Spain and Denmark, so as to open a free commerce with those countries. But, what was still the greatest, he had allied himself to the dukes of Burgundy and Britainy, two most powerful princes, in such sort, as they had given the king the strongest assurance of acting vigorously against France, for the recovering of that kingdom, and other the king's patrimonies: of which, since they made little doubt, the king thought proper not to omit such an opportunity, and such a one as never happened before. And, that his maj. might see this kingdom as glorious as any of his predecessors did, he was ready to adventure his own person in so just a cause. Lastly, he told them, that the king had called this parl. to make them acquainted with these matters, and to desire their advice and assistance."

*A Subsidy granted.*] The answer the commons made to this harangue, was immediately to grant a large subsidy of two 10ths and two 15ths, to be levied on the laity, reserving only 12,000l. to be deducted out of it, for the relief of poor decayed towns. The senate having thus liberally contributed to the supplies of the state, the next thing they went upon was to confirm, by their authority, the king's patents granted to his new queen Elizabeth, for establishing her dower. That the part of the said dower, assigned to her by letters patents under the seal of the duchy of Lancaster, should be valid, though there be no livery and seisin of the same; and that the queen might personally plead and be impleaded in her own name; to which are added the names of the several manors, and other hereditaments, assigned to her majesty, in the duchy of Lancaster and elsewhere, under the great seal, which were all confirmed by parl.—In consideration of 10,000l. paid in part of a greater sum, due by the king to Charles duke of Burgundy, on the marriage between the said duke and the princess Margaret, the king's sister, by the mayor and company of the Staple of Calais; the king, by letters patents, granted, that they should be repaid out of the subsidy on wools: which letters patents were, by common assent, confirmed.

Many good laws were made in this parl. for the encouragement of the woollen manufactories, &c. for the titles of which we refer to the list of acts at the end of this reign. One thing in the Abridgment of the Records is remarkable enough: "that a bill was brought in this parl. whereby all such as should rob any church of any pax, cope, gravel, mass book, or any other trinket," (whereof, says Wm. Prynne, the whole rabble is named) "shall be deemed a traitor, and be burned for the same; and that all such persons shall be deprived of the benefit of their clergy; that an appeal for restitution may also lie, and that all justices of peace may enquire of the same." The publisher remarks, that by the preamble to these motions, it seems that this bill was made against the Lollards; but the king's answer to it was, *Le roi s'avisera.*

*Edw. forced to leave the kingdom, and Hen. VI. restored.*] The civil wars, which had been carried on so long and with such fury by both parties, were not yet at an end; for, soon after the dissolution of this parl. Edw. was obliged, for his own safety, to leave the kingdom. This happened in 1470; and, in the month of Oct. this year, the earl of Warwick released king Henry from his imprisonment, and he was once more restored to the English crown. However, we find that writs of summons, went out in Edw.'s name, dated at Westminster, Aug. 10, for a parl. to meet at York, Sept. 22, following. But, a stop was put to this meeting by other writs, dated Sept. 7, the same year; and the reason of the prohibition is given in the body of the instrument to be, "because the king was certainly informed that rebels, enemies at home, and foreign enemies, both from France and Scotland, had entered this kingdom in a hostile manner, and with armed force had actually invaded it, &c."

*A Parl. called.*] Historians inform us that after the great earl of Warwick had raised Henry from a prison to a throne, from whence he was called, "The setter up and puller down of kings," a parl. was called to meet at Westminster, Nov. 26, 1470, wherein nothing was denied which the prevailing party thought fit to authorize. For here Edw. was declared a traitor to his country; an usurper of the crown; and had all his goods confiscated; the like judgment passed against his brother Rd. duke of Gloucester, and all his adherents; of whom, John Tiptoft earl of Worcester, lord high constable of England, and lord deputy of Ireland, was beheaded. All the statutes made by Edw. were revoked; all the attainders, against the earls of Oxford, Pembroke, and many others, reversed; the crowns of England and France, entailed on Henry and his heirs male; and, for want of such, unto George duke of Clarence and his male issue, and he was declared immediate heir to his father Rd. duke of York. Lastly, the earl of Warwick, was made Protector of the kingdom, and Clarence his son-in-law joined in commission with him. We have been more careful to collect what historians have left us concerning the proceedings of this parl. since there is not one word of all this matter on record. Probably, if these proceedings were entered on the Rolls, Edw. who soon after was restored, caused them to be erased and abrogated. Dugdale, indeed, has given us the summons to this parl. the

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date of which is 49 Hen. VI. [9 & 10 regis Edw. IV.] wherein the first writ to the peers is directed to Henry's most dear cousin George duke of Clarence, who had then revolted from his own family; but there is no mention at all of it in the Abridgment of the Records.

*Edw. restored, and Henry's death.*] However, this dream of regal power in Henry lasted but a small time; for the fugitive Edw. having gained some aids from his brother-in-law, the duke of Burgundy, and being promised more in England, landed at Ravensburg in Yorkshire. At his first arrival, he seemed to lay aside his claim to the crown; pretending only to his rights as duke of York; but, having possessed himself of that city, and got his friends about him, he soon threw off that mask, and marching forward, with a now powerful army, was met and joined by his brother the duke of Clarence, with a very considerable reinforcement. Edw. being now strong enough to cope with his enemy the earl of Warwick, marched on directly for London; and at his approach the citizens opened their gates to him; the earl of Warwick was not there, but Henry fell once more into his enemies hands. The earl, however, was advancing towards London, with a powerful army, against whom the warlike Edw. opposed himself; and, at Barnet their armies meeting, a dreadful battle ensued; where, at first, Warwick's good fortune in war gave him great hopes of a compleat victory; but, by a fatal mistake amongst his own men, the day was changed, and Edw. was victorious, with the death of the earl of Warwick, and the marquis of Montacute his brother; 40,000 Englishmen more falling, on both sides, at that battle. In a few weeks after this, another battle was fought at Tewkesbury, between king Edw. and the martial queen Margaret, where the heroine was also defeated; her son prince Edw. made a prisoner and destroyed; all the nobility and gentry with her taken or slain, and her whole army cut to pieces. This victory was soon after followed by the death of the pious Henry; said to have been murdered in the Tower, by the hands of Rd. duke of Gloucester, king Edw.'s brother.

*A Parl. called.*] It was not till 1472 that we meet with any more parliaments; when writs of summons were issued out, dated at Westminster the ninth of Aug. for a parl. to meet at the same place on the 6th of October. The following is a List of the

*Peers summoned to this Parliament.*

| | |
|---|---|
| Rd. d. of Gloucester | John e. of Shrewsbury |
| John duke of Norfolk | John earl of Wiltshire |
| John duke of Suffolk | Ralph lord Greystock |
| Wm. earl of Arundele | Thomas lord Scroop of Masham |
| Henry earl of Essex | John lord Beauchamp |
| Edmund earl of Kent | John lord Audley |
| Ralph earl of Westmoreland | Edward Nevile lord Bergavenny |
| Henry earl of Northumberland | Reginald lord Grey, of Wilton |
| Anthony earl Ryvers | John Broke l. Cobham |
| John lord Strange | Walter Blount lord Mountjoy |
| Henry lord Grey | Wm. lord Stourton |
| John lord Howard | John Bourghchier ld. Berners |
| Richard lord West | Fulk Bourghchier ld. Fitz Waryn |
| Walter Devereux lord Ferrers | John Sutton l. Dudley |
| Rd. l. Scroop, of Bolton | Wm. lord Hastings |
| Ralph Boteler lord Sudley | Wm. lord Berkeley |
| Thomas lord Lumley | John lord Dynham |
| Thomas lord Stanley | |
| Rd. Fenys lord Dacre | |

This parl. being assembled before the king in the Painted Chamber, Robert, bp. of Bath and Wells, then chancellor, opened the cause of their meeting; after which he directed the commons to choose and present their Speaker: and Wm. Allington, esq. was chosen, presented, and accepted by the king for that purpose.

*A Supply granted.*] The first thing the commons went upon was the Supply; and 14,000 archers were voted to serve the king at their costs for one year; the same to be levied according to a proportion out of all lands and tenements. The lords spiritual and temporal did also tax themselves, by way of grant unto the king, towards furnishing the forces aforesaid, the tenth of one whole year's revenue of all and singular their lands and possessions.—The commons then, by a long Protestation delivered to the king and lords, required that the statutes made against riots, maintenancies, oppressions, and for regulating labourers, may be executed. And the same day, Nov. 30th, the bp. of Rochester, by the king's command, returned thanks to the commons for their grant, and prorogued the parl. from the same day to the 3th of Feb. 1473, next ensuing, at Westminster.

At this session the king's letters patents for creating Edward, his first begotten son, prince of Wales and earl of Chester, were confirmed by Parl.; likewise the king's letters patents for granting and delivering to the young prince the hereditaments and other appurtenances belonging to the said principality and to the duchy of Cornwall, was, by the same authority, confirmed.—Next follow several acts of mercy in reversing the attainders of divers persons.

This parl. continued sitting till the 8th day of April, when the commons granted the king one 10th and one 15th, reserving out of it 6000l. to be distributed to certain decayed towns. And, it was ordained that the money arising from the 10ths given by the lords in the first session of this parl. be paid into the hands of the treasurer of England. Also in consideration of 23,000l. due by the king to the mayor and merchants of the staple at Calais, the king by a long act granted to them a 15th, in like manner as in the parl. of the 7th of Edw. IV.—On the 8th of April aforesaid, the chancellor, after giving thanks to the commons for the Subsidy, by the king's command prorogued the parl. to the 6th of Oct. following. But before they parted it was agreed and ord-

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dained, "That the king, on any urgent occasion which required their attendance, might call and reassemble the said parl. giving only, by proclamation, 20 days notice."

On the 6th of Oct. this parl. met again, and continued sitting from day to day, to the 13th of Dec. following. During which time some more Attainders were reversed; and a suit, or contention at law, was terminated between the king with the English merchants, of one side, and the merchants of the Hans-towns, in Germany, or the Stilliards, on the other party, and a free intercourse between these countries and merchants was settled for ever. The king also confirmed to the said foreign merchants, of the Stilliards, their old liberties, granted to all foreign merchants, of every country by name, by Edw. I. but afterwards particularly to these merchants of the Stilliards, by Edw. II. wherein is to be noted the customs they were then rated at, and the king's grant not to raise the same, all which was confirmed by this parl.

*A new Act of Resumption.*] A new Act of Resumption was also made, whereby the king took into his hands all the hereditaments of the crown, with the duchies of Lancaster and York, from the feast of st. Thomas in the year 1473, and of which the king was seized March 4th, anno regni 1. or what came into the king's hands since, by attainder or otherwise. And a special commission was given to the chancellor of the duchy of Lancaster, for assuring the payment of certain of the king's debts granted out of the said duchy, under the seal of that office. In this is a number of provisions, particularly one, that the same should not prejudice the corporation, union, and annexation of the duchy of Lancaster and county palatine, nor the officers nor tenants of those districts. Several provisions were also made to particular people, by name, in this commission; amongst which, says Cotton, we must not forget one provision, for mother Cobb, midwife to Elizabeth, the king's best beloved wife, and queen of England.

On the 13th of Dec. the bp. of Durham, then chancellor of England, after giving thanks, on the king's behalf and by his command, to the three estates, prorogued this parl. once more to the 20th of Jan. 1474.—We learn that this parl. again assembled on the day aforesaid, and continued to sit till the 1st of Feb. when the said bp. of Durham, as chancellor, called the commons before the king and told them, "that they were then assembled to consult which way the king might proceed in the wars; but, because his maj. had yet heard nothing from his brother the duke of Burgundy, relating to that affair, whereon much depended; it was the king's command that this parl. should be prorogued to the 9th of May ensuing."

At the time appointed by the last prorogation this same parl. met again at Westminster; and now, by the common consent, the king granted to his brother George duke of Clarence and Isabel his wife, and to his other brother Rd. duke of Gloucester and Ann his wife, daughter and heir to Rd. Neville, late earl of Warwick, and daughters and heirs apparent to Ann countess of Warwick, "that they shall enjoy to them, and the heirs of their said wives, all the hereditaments belonging to the said Ann, in such wise as if the said Ann was naturally dead; and that their said wives should be of blood to the said Ann and enjoy all benefits accordingly, she being for ever barred from claiming the same. Also that both the said dukes and likewise their wives, and the heirs of both, may make partition of the premises to stand good in law; and that the said dukes or either of them, overliving his wife, shall during his life enjoy her property. That all alienations, discontinuances, charges and incumbrances, suffered by either of the said dukes or their wives, to debar the other of the said pur-parties, shall be utterly void. Moreover, that if the said duke of Gloucester be at any time hereafter divorced from the said Ann his wife, and suffer any such incumbrance as above, that it shall be void. And further, that if the said duke Rd. upon such divorce, doth his uttermost to be reconciled, during his wife's life, that then after the death of his said wife, he shall enjoy her purparty."—The effect of the grant made to the mayor and company of the staple at Calais, 13 Edw. IV. was in a manner recited; and it was further enacted, "That the said mayor, during the term there mentioned, shall pay 1000 marks for the fees and rewards of the king's judges, serjeants, and attornies."

This session only continued to the 28th of May, when the bp. of Lincoln, as chancellor, prorogued the parl. to the 6th of June next ensuing. At which time, besides reversing the attainders of a few more gentlemen, and some other acts on private affairs, a subsidy was granted by the commons to the king of one 10th and one 15th; also 51,117l. 4s. 7½d. as full payment for the wages of 14,000 archers granted before; and for the raising of this, every county, city, and town was severally taxed. And on July 18th, the aforesaid chancellor, by the king's command, prorogued the parl. to the 23d of Feb. next ensuing, at Westminster.

This parl. being again assembled, on the 23rd of Feb. 1475, an ordinance was immediately made by them for the speedy levying the 10th, on all revenues granted in the 12th of this reign. The whole business of this session seems, by the Records, to be taken up with Attainders, and revoking Attainders, Grants of forfeited Estates, &c. the fatal consequences of civil wars. However, we find in the Statute Books several acts, made for the public good, in the different sessions of this long parl. to which we must also refer. Before its dissolution, the commons made another grant to the king of one 10th, and one 15th, with a third of each of them. Which grant being read, and agreed to by the lords, the ld. chanc. on the 14th day of March, by the king's command,

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returned thanks to the three estates, and dissolved the parliament.

We have not in the course of these enquiries, hitherto, met with a parl. of so long a duration; they having sat, with the several prorogations, near two years and a half. During which "the History of Croyland" takes notice, that no less than three several lord chancellors presided. "The first," adds that authority, "was Rt. (Stillington) bp. of Bath, who did nothing but by the advice of his disciple John (Alcock) bp. of Worcester; the next was Lawrence (Boothe) bp. of Durham, who tired himself with doing just nothing at all; and the third was Thos. (Rotheram) bp. of Lincoln, who did all, and brought every thing to a happy conclusion."

But, the nation was no ways pleased with this piece of pageantry; the money which had been squeezed, as it were out of every one's purses, was given and granted for a quite different purpose than to be spent in a pompous parade. A war with France, on the old quarrel, was what all wished for; and it was with great difficulty that Edward prevented his chief ministers from being called to an account, at his return; being greatly suspected that they had been touched with French gold, in order to advise him to consent to a peace. An historian remarks, "that surely there is some inborn malice rancouring in the genius of our nation against the French; the Saxon government having once received a final overthrow from them, in the conquest of duke William. Or else, it would be a wonder why the English were never sparing of their lives or treasure, when any war was to be advanced against the French.

The king was in his nature so liberal to those who had any ways befriended him, that he soon got quit of all the treasure that was left after his French expedition. And, knowing well the fickleness of the nation; how prone they were to raise insurrections, and how fond of novelties, he durst not call a parl. to lay on any new subsidy, but took other very different ways to restore his treasury. Under the force of a statute, which had been passed in parl. he first took into his own hands all the revennes of the crown,

*A Parl. called.*] It was not till near 3 years after the last parl. was dissolved, that we meet with any account of another; but no writs of summons are given to it, either in Dugdale or Cotton. The last authority, however, mentions the proceedings of a parl. held a Westminster, on the 16th of Jan. 1477, in the 17th of Edw. IV.; and our Statute Books, by a recital of several acts there made, confirm it.—At the time appointed, the parl. met at Westminster; when Thos. Rotheram, bp. of Lincoln, in the presence of the king, lords, and commons, in the Painted Chamber, declared the cause of the summons, under this text, "Dominus regit me, et nihil mihi deerit." Upon which he largely treated "of the obedience which subjects owe to their prince; and shewed, by many examples, out of the Old and New Testament, what grievous plagues had happened to the rebellious and disobedient; particularising that saying of St. Paul, "Non sine causa rex gladium portat." He added, that the majesty of the king was upheld by the hand and counsel of God, by which he was advanced to the throne of his ancestors." And concluded with observing, "that under the person of the king, with the persons of the bps. and lords, and under those of the commons, 'si dominus regit me nihil mihi deerit, sed in loco pascuæ illos collocabit.' Then he directed the commons to choose their Speaker amongst themselves, as usual, and present him to the king, who next day presented Wm. Allington, esq. for that office, who was allowed accordingly.

*Several useful Acts passed.*] On the petitions of the commons some useful acts were made this parl. among which are these: "That all Irish money should be prohibited in this kingdom. That it should be felony to carry out of England or Wales any coin of this realm, or any plate, bullion, jewels of gold or silver, without the king's licence, &c. An act against unlawful games, such as are there called klosse, half-bowle, rayles, hand in hand, or quechbord, on pain of 2 years imprisonment, and forfeiture of 40l.; and whosoever should suffer any other person to play at such games in his house or other place, shall suffer 3 years imprisonment, and forfeit 20l. A long act for regulating apparel, which had then grown to a very great extravagance. An act was made to repeal a parl. holden 9 Edw. IV. (or 39 Henry VI.) with all the acts therein made, and their exemplifications." Lastly, Cotton mentions an act to continue only to the next parl. "to oblige all Irishmen born, or coming of Irish parents, who reside in England, either to repair and remain in Ireland, or else to pay yearly a certain sum there rated, for the defence of the same." Also, "that an ordinance was made for John Atwill, a burgess in this parl. for the city of Exeter, (who had been condemned in the exchequer, on 8 several informations, at the suit of John Taylor, of the same town) to have as many supersedeas as he pleased, until his coming to his own home." An act of privilege directly in the face of the other courts of justice, and somewhat extraordinary at that time. The reader may observe that no Supply was either asked or granted this parl.; some other necessities of state requiring this meeting; and the king still subsisting himself on his own revenues.

*A Quarrel between the King and the duke of Clarence.*] About this time a discord arose between the king and his brother, George duke of Clarence, which ended in the destruction of the latter. "It was observed, says the 'History of Croyland,' that the duke withdrew himself, by little and little, from the king's presence; in council he would scarce speak a word, nor would he willingly either



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eat or drink in the king's palace. This coldness in the duke was thought by many to proceed from the general resumption of crown lands; which as has been said, the king had practised; by which the duke had lost the noble lordship of Tutbury, and several other lands which the king had formerly given him. Add to this, that on the death of Charles duke of Burgundy, Mary, his only daughter and heir, by Margaret, king Edward's sister, was designed by her mother to be given to Clarence, his own wife being newly dead; but the king, says our authority, not willing his ungrateful brother should gain such a fortune, impeded the match so much, that it never took place; and the young lady was afterwards married to the emperor of Germany's son, Maximilian. The duke's anger was by this usage much more raised against the king; and they began to regard one another with no brotherly aspects. Besides, flatterers and talebearers, who always haunt the courts of princes, by carrying and repeating stories, made the matter still worse between them. But the reason of the duke's imprisonment is said to be this: one John Stacey, whom our author calls an astronomer, and a great necromancer, was joined in confederacy with Tho. Burdet, esq. one of the duke's servants; and they were accused of compassing the death of Rich. lord Beauchamp, at the instigation of his wife, an adulteress, by making of leaden images, and other things to that purpose. Stacey having passed a severe examination, on the exercising this damnable art, says the monk, confessed many matters, both against himself and against the said Burdet, who was thereupon taken up. They were both tried in Westminster-Hall, at the bar of the King's Bench, most of the lords temporal sitting with the judges, where they were found guilty, and condemned to suffer death for it. Being drawn to Tyburn, and permitted to speak what they pleased, Stacey said little; but Burdet, with great boldness and many words, declared his innocence, and ended his discourse with these words of Susanna, 'Ecce morior, cum nihil horum fecerim.' The next day the duke of Clarence came into the Council Chamber at Westminster, and brought with him a famous divine, of the order of Minarets, who had taken the confession and declaration aforesaid, and repeated it to the lords of the council, which, as soon as he had done, the duke withdrew. The king was at that time at Windsor; and when he was told this affair, he fell into a vehement passion at his brother; and recollecting in his mind all the informations he had received against him, he summoned him to appear before him on a day appointed, in the palace at Westm. when the lord mayor and aldermen of London were present; and there the king, with his own mouth, "accused the duke of many articles, particularly the last mentioned; aggravating it vehemently against him, and charging the duke with stigmatising him as a reprobate to the laws of the land, and that his judges and juries were equally unjust." Upon which the duke was sent prisoner to the Tower, from which imprisonment death only freed him.

*The d. of Clarence tried.*] What followed in the next parl. adds our former authority, 'mens refugit enarrare;' since it was a melancholy sight to see such discord arise between two persons so near akin in humanity; for no one charged the duke but the king, nor no one answered the king but the duke. Some, however, were produced, of whom it was much doubted, whether they came as accusers of the duke or evidences for him. The duke answered all objections to his conduct by a flat denial; offering, if it might be granted, to defend his cause by combat. 'Quid multis immorer?' The house of lords were of opinion, that the evidence against the duke was sufficient; and therefore proceeded to condemnation, the sentence of which was pronounced by Henry duke of Buckingham, for that time made lord high steward of England. Execution, however, was delayed, till the Speaker of the commons and his brethren were called before the other house, when a rehearing of the whole matter was made before them. The consequence of all which was, that the duke was put to death, within the Tower of London, in a few days; but what kind of death he suffered is unknown, though most authors agree that he was drowned in a butt of malmsey wine.

*Bill of Attainder against the d. of Clarence.*] Habington, the particular writer of this king's life, has not only laid the death of the Duke of Clarence to the evil machinations of his brother Gloucester, but has also given us the sum and substance of the Bill of Attainder against him; which, as it lays the matter fully open, we shall give in his own words: "In his Attainder, according to the form, are crimes enough to make his death have appearance of justice, the execution of which the king seemed rather constrained to, than to have sought. For there are reckoned up, how the duke of Clarence to bring the present govt. into hatred with the people and thereby the present state into trouble, had not only in his speeches frequently laid injustice to the king's charge in attainting Tho. Burdet falsely, convict of many notorious treasons; but suborned many of his servants and divers others, corrupted with money, to divulge the like seditious discourses: That he had spread abroad impious rumours that the king dealt by necromancy; and that, upon offence against such of his subjects whom by order of law he could not destroy, he was accustomed to take them away by poison: That he had not rested there, but thereby to advance himself to the kingdom, and for ever to disable the king and his posterity from the crown, he had, contrary to truth, nature and religion, viper-like destroying her who gave him life, published that the king was a bastard and no way capable to reign: that to make this his so monstrous ambition more success-

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ful, and already to begin his usurpation, he had caused many of the king's subjects to be sworn upon the most blessed sacrament to be true to him and his heirs, without any exception of their allegiance; after which so solemn oaths, he discovered to them his resolution to right himself and his followers, who had both suffered by the king's violent wresting away their estates; and in particular to revenge himself upon the king, who (as he most impiously and falsely suggested) had by art-magic contrived to consume him as a candle consumeth in burning. And what most expressed the treason of his designs, that he had got out an exemplification under the great seal of Hen. VI. late king; wherein was shewed how by the parl. it was enacted, that if the said Henry and Edw. his son should die without issue-male, the kingdom should descend upon the duke of Clarence and his heirs; whereby clearly appeared his intention, immediately to possess himself of the crown, with destruction of king Edw. and his children, by pretence of a general election of the commonwealth. This was the sum of his Attainder, which we may well believe had not so easily past but by the king's public declaring himself: the secret working of the duke of Gloucester; and the passionate urging of the queen's kindred. But this attainder hath in it one thing most remarkable, that Clarence here falsely was accused of laying bastardy to the king, to endeavour possession of the crown; which afterwards was alledged indeed by Rd. duke of Gloucester, to the absolute disinherit of the king's sons."

*A Parl. called.*] It was not till 5 years after the dissolution of the last parl. that we meet with another on Record, which was summoned by writs, dated at Westminster, Nov. 15th, in the 22d and last year of this king, to meet at the same place, on the 20th of Jan. following (1482). The first writ to the peers, was directed to his most dear first born son, Edw. prince of Wales, &c. and the next to the king's other son, Rd. duke of York.—Being all assembled on the day appointed, the abp. of York, Tho. Rotheram, lord chanc. opened the session by a speech on this subject, 'Dominus illuminatio mea & salus mea.' After which he directed the commons to chuse a Speaker; who, the next day, presented John Wood, esq. for that office.

*A Subsidy granted.*] The first thing on record, which was done in this parliament, is, that the commons voted a supply; and by the consent of the lords spiritual and temporal, a 10th and a 15th, to be levied on the laity, was granted; except a deduction of 6000l. to be bestowed on decayed towns. Also a yearly subsidy to be levied on all strangers, as well denizens as others. And at the request of the commons, in recompence of the above grant, the king commanded that all the statutes, concerning weights and measures, labourers, beggars, and vagabonds, should be proclaimed and duly observed.—A yearly rent, or annuity, out of the king's customs and other revenues, amounting to the sum of 11,000l. was settled by parl. for defraying the king's household expences.

*Grants.*] The rest of the business transacted in this parl. was chiefly gifts and exchanges of manors and other hereditaments, in the duchies of Cornwall and Lancaster, which would be too tedious to mention. Except, that a very large grant to Rd. duke of Gloucester, of the wardenship of the North-marches, together with the castles, towns, lordships, customs, and fee-farm of Carlisle and Newcastle; with several of the king's hereditaments, belonging to the duchy of Lancaster, in Cumberland; and several countries and lands within Scotland there mentioned, and some royal prerogatives within the same, to hold the same of the king by knight's service, was confirmed by parliament.

*A sumptuary Law.*] Some acts are, also, in the Statute-Books, made this parl. for the advantage of the public, to which we refer; and shall only mention one, by which all former statutes made, touching the excess of Apparel, were repealed. And, what kind of apparel, temporal men, of every degree and estate, were allowed to wear. Also, "That none, under the degree of a lord, except certain persons particularly named, shall wear any gown, or mantle, unless it be of such a length, that a man standing upright, it shall cover his privy members and buttocks."

*The King greatly distressed.*] But, though our Records inform us of no public affairs being transacted this parl. yet the history of Croyland tells us, "That Edw.'s foreign negotiations were driven to a very disagreeable crisis. He now found out, that Lewis the French king, had long made his game of him; and, at present, seemed so much to despise his power, that he not only withdrew the annual tribute, but actually forbad the marriage of the dauphin with the princess Elizabeth, Edward's eldest daughter, though they had been solemnly contracted: that the Scots, having a mind to break the truce, first despised the match that was agreed upon between their king and Cicely, another daughter of Edw.'s and then openly espoused the cause of France. Other foreign concerns relating to his friend the duke of Austria, gravelled him; nor were his domestic affairs in any profound degree of tranquillity. Under these dilemmas, he found himself necessitated to call a parl. to whom he opened the cause of his troubles, and the fraudulent usage he had met with from the powers abovementioned; and begged of them to assist him to revenge the affront. Nevertheless, he durst not ask any subsidy from the commons; but took more freedom with the clergy, to whom he told his necessities, in a kind manner; and they, with as much benignity granted a 10th; and were so complaisant to him, that whatever the king asked they granted." Here the monk falls into an exclamation against such practices;

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which because it is singular in its kind, we shall give in his own words. "O servile, pernitiosum exitium ecclesiæ! avertat Deus, ab omnibus regum succedentium animis, factum ejusmodi in ullam trahere consequentiam; ne forsan ipsis ea mala, sive deteriora, excogitare possint, eveniant, quæ mox huic regi, et suæ clarissimæ posteritati, miserabiliter evenerunt."

*Death of Edw. IV.*] Cotton has given us the names of the peers summoned to attend a parl. at Westminster, Jan. 20. in the 23d year of this king. But there are no proceedings of such a parl. on record; it is probable they never met, being prevented by the last sickness and death of the king, which happened soon after. For he died at his palace of Westminster the 9th of April 1483, and the 23d year of his reign.

*Taxes in the Reign of Edw. IV.*

Edward IV. had no subsidy granted him till the third year of his reign, when the parl. gave him an aid of 37,000l. to be levied according to a certain rate: but he afterwards released 6000l. of the said grant.—The next year he had tonnage and poundage of every English merchant, for every sack of wool 33s. 4d.; for every 240 wool-fells 33s. 4d.; for every last of hides 3l. 6s. 8d.; and of every merchant-stranger, whether denisens or not, for every sack of wool 3l. 6s. 8d.; for every last of hides 3l. 13s. 4d.; for every 240 wool-fells 3l. 6s. 8d. And all this was granted him for his life.—In his 8th year he had a subsidy of two 10ths and two 15ths, to be levied on the laity. This year Henry VI. was restored; but soon after Edward recovered the crown; and, in his 12th year the commons voted a supply of 14,000 archers at their own cost, the same to be levied according to a proportion out of all lands and tenements. The lords also taxed themselves, by way of grant, unto the king, towards furnishing the forces aforesaid, the 10th part of one whole year's revenue of their lands and possessions.—In his 13th year the commons granted the king one 10th, and one 15th.—The next year a subsidy was granted by the commons of one 10th and one 15th; also 51,117l. 4s. 7½d. for the wages of the 14,000 archers voted in his 12th year.—In his 15th year, he had a 10th, a 15th, and a 3rd of each; besides this, the king raised money after a new invention, called, 'A Benevolence.'—In his 22nd year he had a 10th and a 15th granted him to be levied on the laity. The clergy also granted a 10th.

*Price of Provisions in the Reign of Edw. IV.*

In 1463, wheat sold at London for 2s. a quarter; barley at 1s. 10d.; pease 3s. 4d.; oats 1s. 2d. Also in the same year in Norfolk, wheat sold for 1s. 8d.; barley 1s.; malt 1s. 8d.; oats 1s.—In 1464, white wheat sold for 6s. 8d. a quarter.—In 1475, oats sold for 1s. 10d. a quarter; and a load of hay for 6s. 8d.

*Acts passed in this King's Reign.*

1 Edw. IV.—1. What acts done by king Hen. the 4th, Hen. the 5th, and Hen. the 6th, late kings of England, shall continue good and effectual. 2. Touching indictments and presentments in sheriffs turns and leets.

3 Edw. IV.—1. Concerning the winding, shipping, and transporting of wools, fells, morlings, or shorlings. 2. An act to restrain the bringing corn into the realm, until it shall exceed certain prices. 3. Concerning the mystery of silk-workers. 4. Concerning certain merchandizes not lawful to be brought into this realm ready wrought. 5. What kind of apparel men and women of each vocation are allowed to wear.

4 Edw. IV.—1. Touching the length and breadth of broad cloths, streits, and kersies. 2. Concerning the shipping of merchandizes of the staple to Calais. 3. For the shipping at Newcastle the cloths made in divers places. 4. Concerning the manner of buying of wools in certain counties. 5. The merchandizes of the duchy of Burgundy shall not be brought into this realm. 6. Concerning merchants aliens employment of their money upon commodities of this realm. 7. Touching cordwainers and coblers in London, or within three miles compass thereof. 8. Concerning horners in the city of London. 9. Concerning patten-makers. 10. The passage of pilgrims shall be only at Dover.

7 Edw. IV.—1. Touching the election of the wardens of worsted weavers within the city of Norwich, and the county of Norfolk. 2. An act enabling the inhabitants of the hundreds of Liston, Tavestucke, and Rowburgh, in the county of Devon, to mix flocks in the cloth made of the wool growing within the same hundreds. 3. No person shall carry beyond the seas any woollen yarn or cloth not fulled. 4. Touching grants made by the king. 5. Lands holden of a common person, coming to the king's hands by attainder, being after granted by the king to another, shall be holden as if the attainder had not been.

8 Edw. IV.—1. The length, breadth, and weight of woollen cloths. 2. Concerning liveries of company. 3. For jurors of Middlesex. 4. For pardoning of sheriffs, undersheriffs, &c. for exercising their offices above one year.

12 Edw. IV.—1. A sheriff not lawfully discharged, may occupy his office during Michaelmas term. 2. Four bow-staves shall be brought into this realm for every tun of merchandize. 3. For the true payment of a subsidy of tonnage and poundage granted to the king during his life. 4. Concerning the liveries to be given by the prince of Wales. 5. Concerning the shipping of wools to Calais or Middleborough. 6. An act authorising the lord chanc. for 15 years, to grant commissions of sewers. 7. For the taking away of wears and fishgarths. 8. An act for adnulling letters patent made to searchers and surveyors of victuals. 9. An act concerning the office of escheators.

14 Edw. IV.—1. For the benefit of the king's tenants going in his wars. 2. An act

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for the protections of such as go in the king's wars. 3. An act for shipping of wools and fells. 4. A confirmation of statutes made against the breakers of truce, &c.

17 Edw. IV.—1. An act concerning money. 2. For courts of pie-powders. 3. For unlawful games. 4. For making of tile. 5. For sealing of cloths. 6. A repeal of the parl. holden 9 Ed. 4, and 39 Hen. 6. 7. That the old sheriff may execute his office during the residue of Michaelmas and Hilary term after his year ended, if he have not before his writ of discharge.

22 Edw. IV.—1. An act concerning apparel. 2. Touching the packing of barrelled fish. 3. For silk-workers. 4. Limiting the price of bows. 5. For fulling of hats and caps. 6. For swans. 7. For inclosing of woods in forests, chases, and purlieus. 8. For the town of Berwick.

## EDWARD V.

By the death of Edward IV. the first prince of the York line, the inheritance of the crown descended, by right of succession, to his eldest son Edward, then prince of Wales; who, from the day of his father's death, was stiled king of England, and proclaimed as such, by the name of Edward V. being then about 13 years of age. This is the preamble that the great sir Thos. More gives to his life and reign of this unfortunate young king; whose state and dignity was soon undermined by his unnatural and barbarous uncle Richard, duke of Gloucester. The short reign, if we may so call it, of this prince, was so wholly taken up with the wicked intrigues of his uncle to dispossess him, that no parliament could be called; for he was not even suffered to live to his coronation. Therefore, to the particular writer abovementioned, of this king's life, and to the more general English historians, we must refer our readers; since all that was done, in this short interval of sovereignty, relating to our purpose, will be comprised in the reign of the successor; this young king and his brother being both taken off by cruel means to make way for him. Edward V. begun his life and ended it in a very unhappy manner; for he was born in a sanctuary, and died in a prison. He first saw light in Westminster abbey, where his mother had taken sanctuary, after the earl of Warwick had driven her husband Edw. IV. out of the kingdom, in Sept. 1470; and he was murdered in the tower of London, in July 1483, a little while after his uncle Richard's coronation.

## RICHARD III.

*A Parl. called.*] In the short reign of this king we meet with but one parl. which was called to Westminster Jan. the 23, 1484, in the first year of it. The form of the writ of summons, directed to Thos. abp. of Canterbury, the rest of the bps. abbots, priors, &c, and to the temporal lords, is as usual; the first writ to the latter is directed to his most dear first-born son Edward, prince of Wales, duke of Cornwall, and earl of Chester. This prince, who was then about ten years of age, had been so created at York, some months before, at his father's second coronation in that city. He enjoyed this dignity but for a short time, for he died the next year; and lived not to see his father's dismal catastrophe, nor to taste perhaps of greater misery himself. The rest of the peers, as they stand in Dugdale's catalogue, are as follows:—

*Peers summoned to this Parliament.*

John duke of Norfolk
John duke of Suffolk
Wm. earl of Arundel
Edmund earl of Kent
Ralph earl of Westmoreland
Henry earl of Northumberland
William earl of Huntingdon
Thos. earl of Surrey
William earl of Nottingham
Francis Visc. Lovel
Edward Visc. Lisle
Ralph lord Greystock
John lord Scroop, of Masham
Rich. ld. Beauchamp, of Beauchamp
John lord Audley
George lord Nevile, of Bergavenny.
Reginald lord Grey, of Wilton
George Stanley lord de la Strange
Henry lord Grey
Richard West lord de la War
Walter Devereux lord Ferrers
Jn. l. Scroop, of Bolton
Thos. lord Lumley, of Lumley
Thomas lord Stanley, of Stanley
John Broke l. Cobham
Jn. Blount l. Mountjoy
John Stourton lord Stourton
John Sutton l. Dudley
John lord Dynham, of Care Dynham
Rich. lord Fitz-Hugh
John lord Zouch
Thomas Arundell lord Matravers
Humphrey ld. Dacre, of Gilsland
John l. Gray, of Powis
Wm. ld. Hastings, of Welles
Owen ld. Ogle, of Ogle
Edw. lord Hastings, of Hungerford

*Names of the Judges summoned to this Parl.*

Sir Wm. Husee, knt. chief justice
Sir Thomas Brian
Sir Guy Fairfax
Sir William Jenny
Sir John Catesby
Sir Roger Tounsend
Sir Richard Neal
Sir Thomas Tremayle
Sir John Vavasour, and
Morgan Kidwelly, esq. the king's attorney general.

Our older chronicles, and more modern historians, are very brief in their account of the proceedings of this parl. The 'History of Croyland,' cotemporary with these times, might be expected to furnish more matter for these enquiries, relating to it: but there it is only cursorily mentioned; though some hints are given, about the methods taken to force the Act of Succession through the houses, as are almost incredible. It is there said, "That in this parl. the king, in order to strengthen his title to that crown, which he had in the preceding summer gained, brought an affair, relating to matrimonial contracts, to be disputed before an assembly of laymen. And, though it was well known that such a court

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had nothing to do in this matter, yet so great was the dread and fear, which then possessed the boldest, that they not only undertook the affair, but gave sentence accordingly. For," adds he, "so many great men, peers and commoners, were proscribed" he means attainted "as was never known since the time of the triumvirate of Octavius, Anthony and Lepidus. Besides, a great quantity of money was drawn out of the king's treasury at this time, in order to gain this act, and chiefly distributed amongst his northern friends, whom he planted, also, for his greater security, in every part of the kingdom; which gave much offence to his more southern subjects, and made them pay more regard to the hopes of a future revolution, than to the present tyrant."

Fabian, who lived in this king's time, and ends his chronicle with the next reign, has not one single word of this parl. Hall and Hollingshead only say, that in the beginning of 1484, a parl. was summoned, in which the earl of Richmond, and his followers, were attainted, and the people burthened with severe taxes and impositions; and that the money so collected was wasted on this king's creatures, or squandered away prodigally, to stop the mouths of such as knew any thing of his guilt in the death of his nephew.

Polydore Virgil writes, that "after this parl. had attainted all the exiled persons, and confiscated their estates to the king's use, Richard was not content with these rich spoils, but commanded them to grant him a large supply; for, in order to vindicate himself from calumny, and to buy the favour of the people, he had bestowed such largesses of money amongst them, that his treasury was very low. But the most extraordinary stretch was, that Tho. Stanley should be also declared an enemy to the state, on account of his wife Margaret's being mother to the earl of Richmond, who was commonly thought to be at the head of the conspiracy. And though a woman's politics may be judged of small moment, yet this parl. thought proper to take notice of her, and commanded her husband, in whom they could find no guile, to confine her closely; and suffer no messengers, of any account, to pass between her son and her, that might disturb the peace of the kingdom." The same author adds, that by consent of this parl. a peace with the Scots, who had begun hostilities on the English borders, was concluded.

The particular writer of this king's life (*a*), and a very particular one he is indeed, for, he has taken great pains to wash his blackmoor white, is more explicit than any other in his account of the proceedings in this parl. He says, "That in this parl. were many good laws enacted; the marriages of king Edw. were debated; that with the lady Gray adjudged unlawful, and her children illegitimate; there being proof of a former contract and marriage with the lady Eleanor Talbot, daughter to the old earl of Shrewsbury, and relict of the lord Butler of Sudeley, then, and long after, living." All that had been inferred by the duke of Buckingham, or contained in the bill supplicatory, demonstrated, was again consulted, and judgment given against that marriage; the incapacity also of the children of the earl of Warwick and his sister, the lady Eliz. Plantagenet, were all decreed and confirmed by act of parl. There was likewise notice taken of the earl of Richmond's pretence to the crown, by a title derived from the house of Lancaster; who was at that time in France labouring to engage the king and the duke of Britain in his quarrel. Oh! the infinite windings and perplexed steps we labour thorough, to get that which we must bid good night to to-morrow; and yet the true and rightful Lancaster had no finger in this; for this earl was not then granted to be of the house of Lancaster; until the pope, by his bull, had given him that title; and himself, after he was king, by his prerogative assumed it. In this parl. he was attainted of high treason, and with him John earl of Oxford, Tho. marq. of Dorset, Jasper earl of Pembroke, Lionel bp. of Salisbury, Pierce bp. of Exeter, the lady Margaret countess of Richmond, Tho. Morton bp. of Ely, Tho. Nandich by the stile of Tho. Nandich of Cambridge, conjurer, Wm. Knevet of Buckingham smeared with the same pitch, Geo. Brown of Beachworth, Tho. Lukener of Tratton, John Guilford, John Fogg, Edw. Poinings, Tho. Fieries of Cherstmonceux, Nich. Gainford, Wm. Clifford, John Dorrel, with others of Kent and the west country. There was further enacted, for the approbation and confirming the true and lawful title of king Rich. this clause or sentence. 'It is declared, pronounced, decreed, confirmed and established, by the authority of this present parl. that king Rich. III. is the true and undoubted king of this realm; as well by right of consanguinity and heritage, as by lawful election and coronation.' &c."

The reader will observe, that this parl. is not introduced in Cotton's "Abridgment of the Records," or in the Roll itself, with that formality as most of or all the rest are. There are no writs of summons, nor names of peers; no speech from the throne, or from the lord chanc. declaring the cause of the meeting, nor any Speaker to the commons mentioned in it. Neither is there any notice taken of a tax or subsidy; though this imposition is said by historians to have been very grievous and burdensome to the people. Nor is it surprising, that the Act of Attainder against the earl of Richmond and his followers is not to be found on Record: conquest and succession to the crown soon after gave him power enough, not only to abrogate that act, but even to erase it from the Records. And the reason the abovesaid Roll is yet extant, may be assigned to the policy of the conqueror; since it conveyed a stigma on

(*a*) George Buck, esq. author of the history of king Rich. III. fol. 1647, London. But since printed with notes in Kennet's collection.

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blot on the house of York, by bastardising of Edward's children: and yet this politic successor was obliged to marry the eldest princess of that house, by compact and agreement with his coadjutors; in order to settle for ever those fatal differences, which had divided and torn the nation for so many years, about the disputed titles of York and Lancaster. . . .

Richard was well aware that this proposed union was the greatest motive the malecontents to his govt. had to draw in many more indifferent people, not only to wish for, but to endeavour to bring it about. In order, therefore, to frustrate this project, he took a resolution to add incest to the rest of his crimes, by marrying the princess Elizabeth, his eldest brother's daughter, himself. The "History of Croyland" informs us, that "during the sitting of this parl. Richard, by fair promises, mixed with some terrible threats, had at last prevailed upon the too easy queen to send all her daughters to court, where they were received, by their unnatural uncle, with all seeming tenderness and affection. At this time also the king got together almost all the lords spiritual and temporal in the kingdom, the chief of the members of the house of commons, and the principal persons of his household, into a private parlour of the palace, and commanded them to take a new-coined oath, by whom framed is uncertain, to be true to the succession of his only son Edward, in case of his father's mortality; and they were all likewise obliged to sign their names to it." But to proceed.

*Henry earl of Richmond attainted.*] Mr. Rapin observes, that "Richard called this parl. at a very seasonable juncture. The duke of Buckingham's conspiracy seeming entirely stifled by the death of that lord, and the retreat of the earl of Richmond, there was not in the kingdom any person in a condition to lift up his head against him. So the parl. consisting no doubt of representatives devoted to the king, declared Edward IV.'s issue illegitimate, and confirmed Richard's irregular election, with his pretended right to the crown. This act was absolutely necessary for Richard's security; besides, the parl. thereby avoided the trouble of enquiring after the fate of Edw. V. whom all England had for some months acknowledged for king. Then an act of Attainder was passed against Henry earl of Richmond, and all his adherents, by virtue whereof all their estates were forfeited to the king. By this act, which declared all those rebels and traitors that were concerned in the duke of Buckingham's and the earl of Richmond's conspiracies, all the late executions were in some measure justified; because still such as had suffered were considered as guilty of the crime condemned by this act." . . . .

*Useful Acts passed.*] It must, however, be allowed, that other business was done in this parl. besides settling the Succession, and passing the bill of Attainder. Many wholesome laws were enacted in it; a plain evidence of which is their standing unrepealed, in our Statute-books, to this day. Some of the most remarkable we shall mention. "1. That whereas the subjects of this realm had of late been burdened with a new imposition, called a Benevolence, the same should not thenceforth be enacted. 2. That every justice of peace shall have power to admit a prisoner, arrested for felony, to bail; and that no officer shall seize the goods of a prisoner, arrested for felony, till he be attainted. 3. That no person shall be impannelled upon juries, but who hath 20*s.* freehold, or 26*s.* 8*d.* copyhold, at the least. 4. That wine and oil-vessels shall contain as follows: every tun shall hold 252 gallons; a pipe 126 gallons; a tertian 84 gallons; a hogshead 63 gallons; a barrel 31½ gallons; a rundlet 18¼ gallons." The act against collecting Benevolences has this remarkable preamble: "The king, remembering how the commons of this his realm, by new and unlawful inventions, and inordinate covetousness, against the law of his realm, have been put to great thraldom, and insupportable charges and exactions, and especially by a new imposition called a Benevolence; whereby for divers years the subjects and commons of this land, against their wills and freedoms, have paid great sums of money to their almost utter destruction; for divers and many worshipful men of this realm, by occasion thereof, were compelled to break up their households, and to live in great penury and wretchedness, their debts unpaid, and their children unpreferred; and such memorials as they had ordained to be done for the wealth of their souls anentised and annulled, to the great displeasure of God, and destruction of this realm. Therefore, &c." It is easy to see that the intent of this act had a double aspect, to make Richard's own govt. seem mild and sparing of his subjects money, at the same time that it cast an odium on that of his brother Edw. But it was not very long after passing this act, that Rich. himself broke it; for, on the first news of the earl of Richmond's invasion, having sufficiently emptied his coffers, and squandered away the great treasure left by his brother, he had recourse to the very same means (which he had condemned in open parl.) to procure more. "And," says the History of Croyland, "the word Benevolence which had been used with so much contempt, converted itself; for the king sent out his creatures, who were children of this world, and therefore wiser than the children of light, who by prayers and threats, by hook or crook, scraped and gleaned together vast sums of money from almost all sorts of people, and carried it to the king's treasury." . . . . . .

*Richard killed.*] This is all we can collect relative to the transactions of this parl. What we have else to say in this reign is, that a new invasion, happening soon after under the earl of Richmond, king Richard lost his life and his crown in the battle of Bosworth, Aug. 22, 1485, and the conquerer was proclaimed, at

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the head of his army, king of England, &c. in the open field.

*Acts passed in the Reign of Richard III.*

1 Rich. III.—1. An act for the better assurance of estates to be made by feoffers to uses. 2. The subjects of this realm shall not be charged with Benevolences. 3. For admitting persons, suspected of felony, to bail; and to enquire of the escapes of felons; and that no officer shall seize the goods of a prisoner, until he be attainted. 4. Concerning the sufficiency of jurors in a sheriff's turn. 5. Those lands, whereof king Rich. was enfeoffed to the use of others, shall rest in such persons, as if he had not been named in the feoffments. 6. To make perpetual the statute of 17 Ed. 4. c. 2. touching suits commenced in courts of Pie-powders. 7. The force of fines levied before the justices of the common pleas. 8. Touching cloth-making. 9. Against Italians that sell their wares by retail, and other orders concerning that nation. 10. The statute of 22 Ed. 4. cap. 3. prohibiting wrought wares of silk to be brought into this realm, shall continue for ten years. 11. Ten bow-staves shall be brought into this realm for every butt of malmsey or tyre. 12. For the setting handicraftsmen of this realm on work. 13. The contents of certain vessels of wine and oil. 14. For the benefit and relief of collectors of dismes of the clergy. 15. To make void all estates made for the benefit of lady Eliz. Grey, late wife of king Edw. IV.

*Private Acts.*] 1 Rich. III.—1. Titulus Regius, under which title all the reasons and allegations devised to prove the king to be true and undoubted heir to the crown, are set forth at large, and the same allowed, ratified, and enacted by the lords and commons, and his brothers children made bastards. 2. For the king to have the lands and possessions of Henry duke of Exeter, and of the duchess his wife. 3. For the attainder and conviction of Hen. duke of Buckingham, John bp. of Ely, Wm. Knevitt, John Rushe, Thos. Nandike, Hen. earl of Richmond, Jasper earl of Pembroke, Geo. Brown, Thos. Lewkenor, knt. John Gulford, and many more. 4. To enable the king to make grants of the possessions of the persons attainted. 5. For the attainder of the bps. of Ely, Sarum, and Exeter. 6. Against Margaret countess of Richmond. 7. For the attainder of Walt. Roberd. 8. For the abp. of Canterbury to enjoy the rent of 11l. 12s. per an. out of the manor of Ifeilde. 9. To reverse the attainders made by king Hen. IV. against Thos. Percy earl of Worcester, and Hen. Percy earl of Northumberland. 10. For visc. Lovell to have and enjoy the manors of Thorpe, Watervile, Alwinkle, Achirch, and Chelvistone, in the county of Northampton, &c. 11. For James Tirrel, and Anne his wife, daughter and heir of John Arundell, touching the lands of Arundell, being now attainted. 12. For the provost and fellows of the college of St. Andrew of Neathercaster, in York, for the enjoying of 40 acres of land, upon part whereof the college is building. 13. Confirmation of letters patent made by king Edw. IV. to the college of Fodringhey. 14. For the city of Canterbury, touching the aldermanry lands, and alderman of Westgate, and other things in the city of Canterbury. 15. Of restitution of John Durant of Colleweston to all his lands and tenements. 16. For the inhabitants of the town of Crowland to have the games and marks of swans. 17. Touching the executors of John Dan mercer of London. 18. That the king shall have wardship of lands holden of the duchy of Lancaster by knights service, notwithstanding the trust put in other persons.

## HENRY VII.

*A Parl. called.*] Henry having taken possession of the English crown, the solemnity of his coronation was performed in the usual place and manner, on the 13th of Oct. 1485. The next year, in order to gain a further sanction to his title, he called a parl. by writs bearing date at Westminster, Sept. 15, 1486, to meet at the same place on the 7th of Nov. following. A list of the peers, on this other great revolution in the state, is as follows:—

*Peers summoned to this Parliament.*

| | |
|---|---|
| John duke of Suffolk | Richard lord Grey |
| Jasper d. of Bedford | Rich. lord De la Ware |
| Wm. earl of Arundele | Thomas lord Lumley |
| John earl of Oxford | John lord Broke of Cobham |
| Edmund earl of Kent | John lord Mountjoy |
| William earl of Nottingham | John lord Stourton |
| Edward earl of Wilts | John lord Sutton, of Dudley |
| Richard earl Rivers | John lord Denham |
| Thomas earl of Derby | Thomas ld. Arundele, of Matravers |
| Wm. e. of Huntingdon | Edward visc. Lisle |
| Edward earl of Devon | John l. Grey, of Powis |
| Ralph lord Greystock | Henry lord Clifford, of Clifford |
| Thomas lord Scroop, of Masham | John Ratcliff ld. Fitz-Walter |
| Rich. ld. Beauchamp, of Beauchamp | Wm. visc. Beaumont |
| George lord Nevile, of Bergavenny | |

*Names of the Judges.*

| | |
|---|---|
| L. chief justice Husee | Sir Roger Townsbend |
| Sir Thomas Brian | Sir Humphrey Starky |
| Sir Guy Fairfax | John Suliard |
| Sir John Catesby | John Vavasour |
| Sir Richard Noel | Wm. Hode, atty. gen. |

The great lord Bacon, in his "History of the Life and Reign of king Henry VII." from whom all our modern historians have copied, is so very exact in his account of the proceedings in the first parl. called by this king, that we are persuaded that noble author's own words will be more acceptable than any abridgment or alteration of them. He tells us, "That on the 7th of Nov. the king held his parl. at Westminster, which he had summoned immediately after his coming to London. His ends in calling a parl. and that so speedily,

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were chiefly three; 1st, to procure the crown to be entailed upon himself; 2nd, to have the attainders of all of his party, which were in no small number, reversed, and all acts of hostility by them done in his quarrel, remitted and discharged; and, on the other side, to attaint by parl. the heads and principals of his enemies. The 3rd, to calm and quiet the fears of the rest of that party, by a general pardon; not being ignorant in how great danger a king stands from his subjects, when most of his subjects are conscious in themselves, that they stand in his danger. Unto these 3 special motives of a parl. was added, that he, as a prudent and moderate prince, made this judgment; that it was fit for him to hasten to let his people see, that he meant to govern by law, howsoever he came in by the sword; and fit also to reclaim them to know him for their king, whom they had so lately talked of as an enemy or banished man. For that which concerned the entailing of the crown, (more than that he was true in his own will, that he would not endure any mention of the lady Elizabeth, no not in the nature of special entail), he carried it otherwise with great wisdom and measure. For he did not press to have the act penned by way of declaration or recognition of right; as on the other side, he avoided to have it by new law or ordinance; but chose rather a kind of middle-way, by way of establishment, and that under covert and indifferent words; 'That the inheritance of the crown should rest, remain, and abide in the king, &c.' which words might equally be applied, That the crown should continue to him; but whether as having former right to it, which was doubtful, or having it then in fact and possession, which no man denied, was left fair to interpretation either way. And again, for the limitation of the entail, he did not press it to go farther than to himself and to the heirs of his body, not speaking of his right heirs; but leaving that to the law to decide; so as the entail might seem rather a personal favour to him and his children, than a total disinherison to the house of York. And in this form was the law drawn and passed. This statute he procured to be confirmed by the pope's bull the year following, with mention nevertheless, by way of recital, of his other titles, both of descent and conquest. So as now the wreathe of three was made a wreathe of five, for to the three first titles of the two houses, and conquest, were added two more, the authorities parliamentary and papal."

"The king likewise in the reversal of the attainders of his partakers, and discharging them of all offences incident to his service and succour, had his will and acts passed accordingly. In the passage whereof, exception was taken to divers persons in the house of commons, for that they were attainted, and thereby not legal, nor habilitate to serve in parl. being disabled in the highest degree: and that it should be a great incongruity to have them to make laws, who themselves were not inlawed. The truth was, that divers of those which had in the time of king Rd. been strongest and most declared for the king's party, were returned knights and burgesses for the parl. whether by care or recommendation from the state, or the voluntary inclination of the people; many of which had been by Rd. III. attainted by outlawries, or otherwise. The king was somewhat troubled with this: for though it had a grave and specious shew, yet it reflected upon his party. But wisely not shewing himself at all moved therewith, he would not understand it but as a case of law; and wished the judges to be advised thereupon; who, for that purpose, were forthwith assembled in the Exchequer-Chamber, which is the Council-Chamber of the Judges; and upon deliberation they gave a grave and safe opinion and advice, mixed with law and convenience; which was, that the knights and burgesses attainted by the course of law, should forbear to come into the house, till a law were passed for the reversal of their attainders."

"It was at that time incidently moved amongst the judges in their consultation, what should be done for the king himself, who likewise was attainted; but it was with unanimous consent resolved, 'That the crown takes away all defects and stops in blood; and that from the time the king did assume the crown, the fountain was cleared, and all attainders and corruption of blood discharged.' But nevertheless for honour's sake it was ordained by parl. that all records wherein there was any memory, or mention of the king's attainder, should be defaced, cancelled, and taken off the file."

"But on the part of the king's enemies, there were by parl. attainted, the late duke of Gloucester, calling himself Rich. III. the duke of Norfolk, the earl of Surry, visc. Lovel, the ld. Ferrers, the ld. Zouch, Rich. Ratcliffe, Wm. Catesby, and many others of degree and quality. In which bills of Attainders nevertheless, there were contained many just and temperate clauses, savings and provisoes, well shewing and fore-tokening the wisdom, stay, and moderation of the king's spirit of govt. And for the pardon of the rest that had stood against the king, the king upon a second advice, thought it not fit it should pass by parl. the better, being matter of grace, to impropriate the thanks to himself; using only the opportunity of a parliament-time, the better to disperse it into the veins of the kingdom. Therefore during the parl. he published his royal proclamation, offering pardon and grace of restitution, to all such as had taken arms, or been participant of any attempts against him; so as they submitted themselves to his mercy by a day, and took the oath of allegiance and fidelity to him. Whereupon many came out of sanctuary, and many more came out of fear, no less guilty than those that had taken sanctuary."

"As for money or treasure, the king thought it not seasonable, or fit, to demand any of his



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subjects at this parl.; both because he had received satisfaction from them in matters of so great importance, and because he could not remunerate them with any general pardon, being prevented therein by the coronation pardon, passed immediately before. But chiefly, for that it was in every man's eye, what great forfeitures and confiscations he had at that present to help himself; whereby those casualties of the crown might in reason spare the purses of his subjects; especially in a time when he was in peace with all his neighbours (*a*). Some few laws passed at that parl. almost for form-sake; amongst which there was one, to reduce aliens, being made denizens, to pay strangers customs; and another, to draw to himself the seizures and compositions of Italian goods, for not employment, being points of profit to his coffers, whereof from the very beginning he was not forgetful; and had been more happy at the latter end, if his early providence, which kept him from all necessity of exacting upon his people, could likewise have tempered his nature therein. He added during parl. to his former creations, the ennoblement or advancement in nobility of a few others: the lord Chandos of Britain, was made earl of Bath, and sir Giles Dawbeney was made lord Dawbeney, and sir Robert Willoughby lord Brooke. The king did also with great nobleness and bounty, which virtues at that time had their turns in his nature, restore Edw. Stafford, eldest son to Henry duke of Buckingham, attainted in the time of king Rich. not only to his dignities, but to his fortunes and possessions, which were great; to which he was moved also by a kind of gratitude, for that the duke was the man that moved the first stone against the tyranny of king Rich. and indeed made the king a bridge to the crown upon his own ruins. Thus the parl. broke up."

*A Parl. called.*] In 1488 another parl. was called, by writs bearing date Sept. 1st, to meet at Westminster on the 9th of Nov. following, and in the 3d year of Henry's reign. Being all assembled, lord Bacon informs us that, Tho. Morton, abp. of Canterbury and chancellor of England, declared the cause of the summons in words to this effect:

*The Lord Chancellor's Speech to both Houses.*] "My lords and masters: the king's grace, our sovereign lord, hath commanded me to declare unto you the causes that have moved him at this time to summon this his parl. which I shall do in few words; craving pardon of his grace and you all, if I perform it not as I would. His grace doth first of all let you know, that he retaineth in thankful memory the love and loyalty shewed to him by you, at your last meeting, in establishment of his royalty; freeing and discharging of his partakers, and confiscation of his traitors and rebels; more than which could not come from subjects to their sovereign in one action. This he taketh so well at your hands, as he hath made it a resolution to himself to communicate with so loving and well-approved subjects, in all affairs that are of public nature, at home or abroad. Two, therefore, are the causes of your present assembling: the one, a foreign business; the other, matter of govt. at home. The French king (as no doubt you have heard) maketh at this present hot war upon the duke of Brittaine. His army is now before Nants, and holdeth it straitly besieged, being the principal city (if not in ceremony and pre-eminence, yet in strength and wealth) of that duchy. You may guess at his hopes, by his attempting of the hardest part of the war first. The cause of this war he knoweth best. He alledgeth the entertaining and succouring of the duke of Orleans, and some other French lords, whom the king taketh for his enemies. Others divine of other matters. Both parts have by their ambassadors divers times prayed the king's aids: the French king, aids or neutrality; the Brittons, aids simply; for so their case requireth. The king, as a Christian prince, and blessed son of the holy church, hath offered himself as a mediator, to treat a peace between them. The French king yieldeth to treat, but will not stay the prosecution of the war. The Brittons, that desire peace most, heaken to it least; not upon confidence or stiffness, but upon distrust of true meaning, seeing the war goes on. So as the king, after as much pains and care to effect a peace as ever he took in any business, not being able to remove the prosecution on the one side, nor the distrust on the other, caused by that prosecution, hath let fall the treaty; not repenting of it, but despairing of it now, as not likely to succeed. Therefore, by this narrative, you now understand the state of the question, whereupon the king prayeth your advice; which is no other but Whether he shall enter into an auxiliary and defensive war for the Brittons against France? And for the better to open your understandings in this affair, the king hath commanded me to say somewhat to you for him, of the persons that do intervene in this business; and somewhat of the consequence thereof, as it hath relation to this kingdom; and somewhat of the example of it in general; making nevertheless no conclusion or judgment of any point, until his grace hath received your faithful and politic advices. First, for the king our sovereign himself, who is the principal person you are to eye in this business: his grace doth profess, that he truly and constantly desireth to reign in peace. But his grace saith, he will neither buy peace with dishonour, nor take it up at interest of danger to ensue; but shall think it a good change, if it pleased God to change the inward troubles and seditions,

(*a*) Though lord Bacon says this, yet we are informed by the collection of public acts, that the usual tonnage and poundage, and the subsidy on wools, wool-fells and hides, were granted by this parl. Rymer's Fœd. Tom. XII. p. 335. The clergy also granted a tenth. Ibid. p. 323.

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wherewith he hath been hitherto exercised, into an honourable foreign war. And for the other two persons in this action, the French king and the duke of Brittaine, his grace doth declare unto you, that they be the men unto whom he is of all other friends and allies most bounden; the one having held over him his hand of protection from the tyrant, the other having reached forth unto him his hand of help, for the recovery of his kingdom. So that his affection toward them in his natural person is upon equal terms. And whereas you may have heard, that his grace was enforced to fly out of Brittaine into France, for doubts of being betrayed; his grace would not in any sort have that reflect upon the duke of Brittaine, in defacement of his former benefits; for that he is thoroughly informed, that it was but the practice of some corrupt persons about him, during the time of his sickness, altogether without his consent or privity. But howsoever these things do interest his grace in his particular, yet he knoweth well, that the higher bond that tieth him to procure by all means the safety and welfare of his loving subjects, doth disinterest him of these obligations of gratitude, otherwise than thus; that if his grace be forced to make a war, he do it without passion or ambition.—For the consequence of this action towards this kingdom, it is much as the French king's intention is. For if it be no more, but to range his subjects to reason, who bear themselves stout upon the strength of the duke of Brittaine, it is nothing to us. But if it be in the French king's purpose, (or if it should not be in his purpose, yet if it shall follow all one, as if it were sought,) that the French king shall make a province of Brittaine, and join it to the crown of France; then it is worthy the consideration, how this may import England, as well in the increasement of the greatness of France, by the addition of such a country, that stretcheth his boughs unto our seas, as in depriving this nation, and leaving it so naked of so firm and assured confederates, as the Brittons have always been. For then it will come to pass, that whereas, not long since, this realm was mighty upon the continent, first in territory, and after in alliance, in respect of Burgundy and Brittaine, which were confederates indeed, but dependant confederates; now the one being already cast, partly into the greatness of France, and partly into that of Austria, the other is like wholly to be cast into the greatness of France; and this island shall remain confined in effect within the salt waters, and girt about with the coast countries of two mighty monarchs.—For the example, it resteth likewise upon the same question, upon the French king's intent. For, if Brittaine be carried and swallowed up by France, as the world abroad conceive it will, then it is an example very dangerous and universal, that the lesser neighbour's estate should be devoured by the greater. For this may be the case of Scotland towards England; of Portugal towards Spain; of the smaller estates of Italy toward the greater; and so of Germany; or as if some of you of the commons might not live and dwell safely, besides some of these great lords. And the bringing in of this example will be chiefly laid to the king's charge, as to him that was most interested and most able to forbid it. But then on the other side, there is so fair a pretext on the French king's part (and yet pretext is never wanting to power) in regard the danger imminent to his own estate is such, as may make this enterprise seem rather a work of necessity than of ambition, as doth in reason correct the danger of the example. For that the example of that which is done in a man's own defence cannot be dangerous, because it is in another's power to avoid it. But in all this business, the king remits himself to your grave and mature advice, whereupon he purposeth to rely. For that which may concern govt. at home, the king hath commanded me to say unto you, That he thinketh there was never any king (for the small time that he hath reigned) had greater and juster cause of the two contrary passions, of joy and sorrow, than his grace hath. Joy, in respect of the rare and visible favours of Almighty God, in girding the Imperial sword upon his side, and assisting the same his sword against all his enemies; and likewise in blessing him with so many good and loving servants and subjects, which have never failed to give him faithful council, ready obedience, and courageous defence. Sorrow, for that it hath not pleased God to suffer him to sheath his sword (as he greatly desired otherwise than for administration of justice) but that he hath been forced to draw it so oft to cut off traiterous and disloyal subjects, whom (it seems) God hath left (a few amongst many good) as the Canaanites among the people of Israel, to be thorns in their sides, to tempt and try them; though the end hath been always (God's name be blessed therefore) that the destruction hath fallen upon their own heads. Wherefore his grace saith, That he seeth that it is not the blood spilt in the field that will save the blood in the city; nor the marshal's sword that will set this kingdom in perfect peace; but that the true way is, to stop the seeds of sedition and rebellion in their beginnings; and for that purpose to devise, confirm, and quicken good and wholesome laws, against riots, and unlawful assemblies of people, and all combinations and confederacies of them, by liveries, tokens, and other badges of factious dependence; that the peace of the land may, by these ordinances, as by bars of iron, be soundly bound in and strengthened, and all force both in court, country, and private houses, be suppress. The care hereof, which so much concerneth yourselves, and which the nature of the times doth instantly call for, his grace commends to your wisdoms. And because it is the king's desire, that this peace, wherein he hopeth to govern and maintain you, do not bear only unto you leaves for you to sit under the shade of them in safety, but

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also should bear you fruit of riches, wealth, and plenty: therefore his grace prays you, to take into consideration matter of trade, as also the manufactures of the kingdom, and to repress the bastard and barren employment of monies, to usury and unlawful exchanges, that they may be (as their natural use is) turned upon commerce, and lawful and royal trading. And likewise, that our people be set on work in arts and handicrafts; that the realm may subsist more of itself, that idleness be avoided, and the draining out of our treasure, for foreign manufactures, stopped. But you are not to rest here only, but to provide further, that whatsoever merchandize shall be brought in from beyond the seas may be employed upon the commodities of this land; whereby the kingdom's stock of treasure may be sure to be kept from being diminished, by any over-trading of the foreigner. And, lastly, because the king is well assured that you would not have him poor that wishes you rich; he doubteth not, but that you will have care, as well to maintain his revenues of customs, and all other natures, as also to supply him with your loving aids, if the case shall so require. The rather, for that you know the king is a good husband, and but a steward in effect for the public; and that what comes from you is but as moisture drawn from the earth, which gathers into a cloud, and falls back upon the earth again. And you know well, how the kingdoms about you grow more and more in greatness, and the times are stirring, and therefore not fit to find the king with an empty purse. More I have not to say to you; and wish that what hath been said had been better expressed; but that your wisdoms and good affections will supply. God bless your doings."

*A Supply voted for a War with France.*] This parl. not only advised the king to espouse the cause of the duke of Britainy, and send him some speedy aid, but unanimously voted the king a large supply for that purpose. Accordingly, Rob. lord Brock was sent over to his aid, with a body of 3000 choice men, well armed; but it all came to nothing; for the duke having lost a battle and soon after his life, the English forces were recalled, and the district of Britainy was reduced under subjection to the crown of France, in which state it has ever since remained.

*Acts passed.*] Many excellent laws were made in this parl. and as lord Bacon has elegantly and judiciously drawn them all up under their several heads, we cannot do better than give them in his own words as follow:

"First, the Authority of the Star-Chamber, which before subsisted by the ancient common laws of the realm, was confirmed in certain cases by act of parl. This court is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice, (besides the high court of parl.) in which distribution the king's bench holdeth the pleas of the crown; the common place, pleas civil; the exchequer, pleas concerning the king's revenue; and the chancery the pretorian power for mitigating the rigour of law, in case of extremity, by the conscience of a good man: there was nevertheless always reserved a high and pre-eminent power to the king's council, in causes that might in example, or consequence, concern the state of the commonwealth, which if they were criminal, the council used to sit in the chamber, called the Star-Chamber; if civil, in the White-Chamber, or White-Hall. And, as the chancery had the pretorian power for equity, so the Star-Chamber had the censorian power for offences, under the degree of capital. This court of Star-Chamber is compounded of good elements, for it consisteth of 4 kinds of persons; counsellors, peers, prelates, and chief judges. It discerneth also principally of 4 kinds of causes; forces, frauds, crimes various of stellionate, and the inchoations or middle acts towards crimes capital, or heinous, not actually committed or perpetrated. But that which was principally aimed at by this act was force, and the two chief supports of force, combination of multitudes, and maintenance or headship of great persons."

"From the general peace of the country, the king's care went on to the peace of the king's house, and the security of his great officers and counsellors. But this law was somewhat of a strange composition and temper; That if any of the king's servants under the degree of a lord, do conspire the death of any of the king's counsel, or lord of the realm, it is made capital. This law was thought to be procured by the lord chanc. who being a stern and haughty man, and finding he had some mortal enemies in court, provided for his own safety; drowning the envy of it in a general law, by communicating the privilege with all other counsellors and peers, and yet not daring to extend it further, than to the king's servants in Checkrowle, lest it should have been too harsh to the gentlemen, and other commons of the kingdom; who might have thought their ancient liberty and the clemency of the laws of England invaded, if the will in any case of felony should be made the deed. And yet the reason which the act yieldeth (that is to say, That he that conspireth the death of counsellors may be thought indirectly, and by a means to conspire the death of the king himself) is indifferent to all subjects, as well as to servants in court. However it seems this sufficed to serve the lord chancellor's turn at this time: but yet he lived to need a general law, for that he grew afterwards as odious to the country, as he was then to the court."

"From the peace of the king's house, the king's care extended to the peace of private houses and families; for there was an excellent moral law moulded thus; The taking and carrying away women forcibly, and against their will, (except female wards and bond women) was made capital.—There was made also another law for peace in general, and repressing of murders and manslaughters, and was in

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amendment of the common laws of the realm, being this; That whereas by the common law, the king's suit in case of homicide, did expect the year and the day, allowed to the party's suit by way of appeal; and that it was found by experience, that the party was many times compounded with, and many times wearied with the suit, so that in the end such suit was let fall, and by that time the matter was in a manner forgotten, and thereby prosecution at the king's suit by indictment (which is ever best, *flagrante crimine*) neglected; it was ordained, That the suit by indictment might be taken as well at any time within the year and the day, as after, not prejudicing nevertheless the parties suit.—The king began also then, as well in wisdom as in justice, to pare a little the Privilege of Clergy, ordaining, That clerks convicted should be burnt in the hand, both because they might taste of some corporal punishment, and that they might carry a brand of infamy. But for this good act's sake, the king himself was after branded by Perkin's proclamation, for an execrable breaker of the rights of holy church.—Another law was made for the better peace of the country; by which law the king's officers and farmers were to forfeit their places and holds, in case of unlawful retainer, or partaking in riots and unlawful assemblies.—There was also made good and politic laws in that parl. against Usury, which is the bastard use of money; and against unlawful chievances and exchanges, which is bastard usury. And also for the security of the king's customs; and for the employment of the proccedures of foreign commodities, brought in by merchant-strangers, upon the native commodities of the realm: together with some other laws of less importance."

*An Insurrection in the North.*] But, notwithstanding these good and salutary laws were, by the three estates, enacted; yet the people were so far from being well reconciled to the govt. that they seemed to watch all opportunities to rebel against it. Accordingly, when the king's commissioners came down to levy the subsidy in Yorkshire and the bishopric of Durham, the inhabitants began to mutiny; saying openly, That they had lately endured a thousand injuries, and that they neither could nor would pay the tax demanded. This was their pretence; but lord Bacon observes that "the refusal did not proceed from any present necessity, but from the old humour of those countries; where the memory of king Richard was so strong, that, like lees, it lay in the bottom of men's hearts; and, if the vessel was but stirred, it would come up." The commissioners, being somewhat astonished, referred the matter to the earl of Northumberland, who was the principal man for authority in those parts. The earl instantly informed the court of it, and signified in plain terms how boisterous these northern people were, and desired the king's directions about the affair. Henry sent back a peremptory answer, "That he would not abate one penny of a Subsidy, which had been granted him by parl.; because it might encourage other counties to expect the like release, or mitigation; but, chiefly, because he would never suffer that the base multitude should frustrate the authority of parl. wherein their votes and consents were included." Upon this dispatch from court the earl assembled the principal justices and freeholders of the county; and delivered the king's mind to them in the very same imperious language it was sent; which should not have been so, but that, as lord Bacon observes, "this harsh business was unfortunately fallen into the hands of a harsh man." In short, it proved fatal to himself; for this message did not only irritate the people greatly, but made them conceive that the deliverer of it was the principal contriver and persuader of the council. A mob, or rabble of people, rose instantly upon it, and, assailing the duke's house, slew him and several of his servants. Nor did it stop here, for the rabble creating for their leader one sir John Egremond, a factious person, and one who for a long time had borne the king an ill will; being animated, also, by another incendiary, a mean fellow, called John à Chambre, who bore a principal sway amongst them, they broke out into an open rebellion, and gave out in flat terms, that they would march against Henry, and fight for the maintenance of their liberties. When the king was advertised of this new insurrection, he seemed little troubled at it, but sent down the earl of Surrey with a sufficient force against the rebels; who, fought with, and defeated them, taking prisoner one of their leaders John à Chambre; the other, sir John Egremond, found means to escape into Flanders, to the lady Margaret duchess of Burgundy; whose court was then an asylum for all the enemies to king Henry. Soon after this defeat the king came down to York, where John à Chambre was executed in great state. The rest of the rebels were pardoned; and the king, having settled these northern commotions, returned to London; leaving the earl of Surrey his lieut. in those parts, and sir Rd. Tunstal for his principal commissioner to levy the Subsidy; of which, adds lord Bacon, he did not remit one denier. This insurrection happened in 1489.

*A Parl. called.*] At the end of the 4th year of his reign, the king thought fit to call another parl. but the express time is not mentioned in Dugdale; for the summons to this, and the parliaments in the two succeeding years, are not to be found on the Rolls. However, the Statute Books say, it began Jan. 13, 1490.—Many wise laws were made in this parl. a short account of which we shall give in the words of lord Bacon.

*Acts passed.*] "The king, finding by the insurrection in the north, there was discontentment abroad, in respect of the Subsidy, he thought it good to give his subjects yet farther contentment, and comfort in that kind. Cer-

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tainly his times for good commonwealths laws did excel; so as he may justly be celebrated for the best law-giver to this nation, after king Edw. 1. For his laws (who so marks them well) are deep, and not vulgar; not made upon the spur of a particular occasion for the present, but out of providence of the future, to make the estate of his people still more and more happy; after the manner of the legislators in ancient and heroical times.—First, therefore, he made a law suitable to his own acts and times. For, as himself had in his person and marriage made a final concord, in the great suit and title for the crown; so by this law he settled the like peace and quiet in the private possessions of the subjects. Ordaining, That Fines thenceforth should be final to conclude all strangers rights; and that upon Fines levied, and solemnly proclaimed, the subject should have his time of watch for 5 years after his title accrued; which, if he fore-passed, his right should be bound for ever after; with some exception nevertheless, of minors, married women, and such incompetent persons.—"Another statute was made of singular policy, for the Population apparently, and (if it be thoroughly considered) for the Soldiery and Military Forces of the realm.—Inclosures at that time began to be more frequent, whereby arable land which could not be manured without people and families was turned into pasture, which was easily rid by a few herdsmen; and tenancies for years, lives, and at will (whereupon much of the yeomanry lived) were turned into demesnes. This bred a decay of people, and, by consequence, a decay of towns, churches, tithes, and the like. The king likewise knew full well, that there ensued withal upon this a decay and diminution of subsidy and taxes; for the more gentlemen, ever the lower books of subsidies. In remedying of this inconvenience, the king's wisdom was admirable, and the parliament's at that time. Inclosures they would not forbid, for that had been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with the nature and utility. But they took a course to take away depopulating Inclosures, and depopulating Pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. The ordinance was, That all houses of husbandry that were used with 20 acres of ground and upwards, should be maintained and kept up for ever; together with a competent proportion of land to be used and occupied with them, and in no wise to be severed from them; as by another statute, made afterwards in his successor's time, was more fully declared. This upon forfeiture to be taken; not by way of popular action, but by seizure of the land itself, by the king and lords of the fee, as to half the profits, till the houses and lands were restored. By this means the houses being kept up, did of necessity inforce a dweller; and the proportion of land for occupation being kept up, did of necessity inforce that dweller, not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants, and set the plough on going. This did wonderfully concern the might and manhood of the kingdom to have fermes, as it were of a standard sufficient to maintain an able body out of penury; and did in effect amortize a great part of the lands of the kingdom unto the hold and occupation of the yeomanry, or middle people, of a condition between gentlemen and cottagers or peasants. Now, how much this did advance the military power of the kingdom, is apparent by the true principles of war, and the examples of other kingdoms. For it hath been held by the general opinion of men of best judgment in the wars, that the principal strength of an army consisteth in the infantry or foot. And to make good infantry, it requireth men bred, not in a servile or indigent fashion, but in some free and plentiful manner. Therefore if a state run most to noblemen and gentlemen, and that the husbandmen and ploughmen be but as their work-folks and labourers, or else mere cottagers (which are but house beggars) you may have a good cavalry, but never good stable bands of foot.—The king also, having care to make his realm potent, as well by sea as by land, for the better maintenance of the Navy, ordained, That Wines and Woads from the parts of Gascoigny and Languedoc, should not be brought but in English bottoms; bowing the ancient policy of this estate, from consideration of plenty to consideration of power. For that almost all the ancient statutes incite by all means merchant-strangers, to bring in all sorts of commodities; having for end cheapness, and not looking to the point of state concerning the naval power.—The king also made a statute in that parl. monitory and minatory, towards Justices of Peace, that they should duly execute their office; inviting complaints against them, first to their fellow justices, then to the justices of assize, then to the king or chancellor; and that a proclamation, which he had published of that tenor, should be read in open sessions 4 times a year, to keep them awake.—He made also laws for the correction of the Mint and counterfeiting of foreign Coin current. And that no payment in gold should be made to any merchant stranger, the better to keep treasure within the realm, for that gold was the metal that lay in least room.—He made also statutes for the maintenance of Drapery, and the keeping of Wools within the realm; and not only so, but for stinting and limiting the prices of cloth; one for the finer, and another for the coarser sort. Which I note, both because it was a rare thing to set prices by statute, especially upon our home commodities; and because of the wise model of the act, nor prescribing prices, but stinting them not to exceed a rate, that the clothier might drape accordingly, as he might afford."—Divers other good statutes were made that parl, but these were the principal. And here I do desire those, into whose hands this work shall

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fall, that they do take in good part my long insisting upon the laws that were made in this king's reign; whereof I have these reasons: both because it was the pre-eminent virtue and merit of this king, to whose memory I do honour; and because it hath some correspondence to my person; but chiefly, because, in my judgment, it is some defect even in the best writers of history, that they do not often enough summarily deliver and set down the most memorable laws, that passed in the times whereof they write, being indeed the principal acts of peace. For though they may be had in original books of law themselves; yet that informeth not the judgment of kings and counsellors, and persons of estate, so well as to see them described, and entered in the table and pourtrait of the times."

*A Parl. called.*] We have now lapse of 3 years, before we meet with an account of another parl.; in which interval, the exigencies of the state had rendered it absolutely necessary to enter into a war with France. On the 12th of Aug. 1492, writs were issued for calling a parl. to meet at Westminster, on the 17th of Oct. following. The first writ to the peers is directed to his most dear first-born son Arthur, prince of Wales, &c. a child then about two years of age.

*The King's Speech.*] At the time appointed, being all assembled as usual, the king himself spoke to them, from the throne, in these words: —My lords, and you the commons;—when I purposed to make a war in Brittainy by my lieut. I made declaration thereof to you by my chancellor; but now that I mean to make a war upon France in person, I will declare it to you myself. That war was to defend another man's right, but this is to recover our own; and that ended by accident, but we hope this shall end in victory. The French king troubles the christian world. That which he hath is not his own, and yet he seeketh more. He hath invested himself of Brittainy. He maintaineth the rebels in Flanders, and he threatneth Italy. For ourselves, he hath proceeded from dissimulation to neglect, and from neglect to contumely. He hath assailed our confederates; he denieth our tribute. In a word, he seeks war; so did not his father, but sought peace at our hands; and so perhaps will he, when good council or time shall make him see as much as his father did.—Meanwhile, let us make his ambition our advantage; and let us not stand upon a few crowns of tribute or acknowledgement, but (by the favour of Almighty God) try our right for the crown of France itself; remembering that there hath been a French king prisoner in England, and a king of England crowned in France. Our confederates are not diminished. Burgundy is in a mightier hand than ever, and never more provoked. Brittainy cannot help us, but it may hurt them. New acquests are more burthen than strength. The malecontents of his own kingdom have not been base, popular, nor titulary impostors, but of an higher nature. The king of Spain (doubt ye not) will join with us, not knowing where the French king's ambition will stay. Our holy father the Pope likes no Tramontanes in Italy. But howsoever it be, this matter of confederates is rather to be thought on than reckoned on. For, God forbid, but England should be able to get reason of France, without a second.—At the battles of Cressy, Poictiers, Agencourt, we were of ourselves. France hath much people, and few soldiers. They have not stable bands of foot. Some good horse they have, but those are forces which are least fit for a defensive war, where the actions are in the assailants choice. It was our discords only that lost France; and (by the power of God) it is the good peace which we now enjoy, that will recover it. God hath hitherto blessed my sword. I have in this time that I have reigned, weeded out my bad subjects and tried my good. My people and I know one another, which breeds confidence. And if there should be any bad blood left in the kingdom, an honourable foreign war will vent it, or purify it. In this great business, let me have your advice and aid. If any of you were to make his son knight, you might have aid of your tenants by law. This concerns the knighthood and spurs of the kingdom, whereof I am father; and bound not only to seek to maintain it, but to advance it. But for matter of treasure, let it not be taken from the poorer sort; but from those, to whom the benefit of the war may redound. France is no wilderness; and I, that profess good husbandry, hope to make the war, after the beginnings, to pay itself. Go together in God's name, and lose no time; for I have called this parl. wholly for this cause."

*War with France—a Benevolence granted.*] Lord Bacon observes, "That the parl. took fire immediately at this speech, being ever affectionate to a War with France: but, at this time the more so, in order to repair the dishonour they thought the king had sustained by the loss of Britany.—Therefore they advised the king, with great alacrity, to undertake the war of France. And although the parl. consisted of the first and second nobility, together with the principal citizens and townsmen, yet worthily and justly respecting more the people, whose deputies they were, than their own private persons; and finding by the ld. chancellor's speech the king's inclination that way, they consented that commissioners should go forth, for the gathering and levying of a Benevolence, from the more able sort. This tax, called Benevolence, was devised by Edw. IV. for which he sustained much envy. It was abolished by Rd. III. by act of parl. to ingratiate himself with the people; and it was now revived by this king, but with consent of parl. for so it was not in the time of Edw. IV. But by this way he raised exceeding great sums; insomuch as the city of London, in those days, contributed 9000l. and better, and that chiefly levied upon the wealthier sort.—There is a tradition of a dilemma, that bp. Morton, the

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chancellor, used to raise up the Benevolence to higher rates; some called it his fork, and some his crotch. For he had couched an article in the instructions to the commissioners, who were to levy the Benevolence, that if they met with any that were sparing, they should tell them, that they must needs have because they laid up; and if they were spenders, they must needs have because it was seen in their port, and manner of living. So neither kind came amiss.—This parl. was merely a parl. of war; for it was in substance but a declaration of war against France and Scotland, with some statutes conducing thereunto; as the severe punishing of Mortpays, and keeping back of soldiers wages by captains; the like severity for the departure of soldiers without licence; strengthening of the common law in favour of protections, for those that were in the king's service; and the setting the gate open and wide, for men to sell or mortgage their lands without fines for alienation, to furnish themselves with money for the war; and lastly, the avoiding of all Scottish men out of England. There was also a statute, for the dispersing of the standard of the exchequer, throughout England; thereby to size weights and measures; and two or three more of less importance."

*A Peace concluded.*] Great preparations were now made for the French war, and the king actually embarked with them at Sandwich, Oct. the 6th, and the same day landed at Calais. Afterwards Henry besieged Boulogne, in form; but there he received such overtures of a peace from the French king, as were very acceptable to him; and money, the idol which Henry always worshipped, soon brought it to a conclusion. In short, the price of a peace was stated on one side, and agreed to on the other; by which Henry filled his coffers, but it was by the emptying of a great many of the purses of the nobility and principal persons in the army; who had many of them sold or engaged their estates upon the hopes of this war. These stuck not to say, "That the king had made good what he had said in parliament; that after the war was once begun, he doubted not but to make it pay itself. And he had kept his promise accordingly." Henry received from the French king, in ready money, 745,000 ducats, which amounts to 186,250l. English; and a pension or tribute of 25,000 crowns yearly.

Soon after the king's return from France, another conspiracy broke out against him; which had like to have proved of worse consequence than any that hitherto happened. Margaret, dutchess of Burgundy, sister to Edw. IV. was a princess who watched all opportunities to disturb Henry's repose; and had now spirited up one Perkin Warbeck, a bold and comely youth, to personate Richard duke of York, said to have been murdered with his brother in the tower. To the noble historian, and the more general histories, we refer our readers for the particulars of this affair; which continued in agitation some years before it was entirely settled.

*A Parl. called.*] In the midst of these commotions, Henry thought fit to call another parl. the writs of summons bearing date at Westminster, Sept. 15th, 1497, for a parl. to meet at the same place on the 14th of Oct. following; which is scarcely a month's notice.

*Acts passed.*] "The principal law," says lord Bacon, "that was made this parl. was a law of a strange nature; rather just than legal, and more magnanimous than provident. This law did ordain, That no person that did assist in arms, or otherwise, the king for the time being, should afterward be impeached therefore, or attainted; either by the course of the law, or by act of parl.: but if any such act of attainder did happen to be made, it should be void, and of none effect; for that it was agreeable to reason of estate, that the subject should not enquire of the justness of the king's title, or quarrel; and it was agreeable to good conscience, that, whatsoever the fortune of the war were, the subject should not suffer for his obedience. The spirit of this law was wonderfully pious and noble; being like in matter of war unto the spirit of David in matter of plague, who said, 'If I have sinned, strike me; but what have these sheep done?' Neither wanted this law parts of prudent and deep foresight: for it did the better take away occasion for the people to busy themselves, to pry into the king's title; for that howsoever it fell, their safety was already provided for.—There was also made a shoaring or underpropping act for the Benevolence; to make the sums which any person had agreed to pay, and nevertheless were not brought in, to be leviable by a course of law. Which act did not only bring in the arrears, but did indeed countenance the whole business, and was pretended to be made at the desire of those, that had been forward to pay.—In this parl. also was made that good law, which gave the attaint upon a false verdict between party and party, which before was a kind of evangile, irremediable.—There was another law made against a branch of ingratitude in women, who having been advanced by their husbands, or their husbands' ancestors, should alien, and thereby seek to defeat the heirs, or those in remainder, of the lands, whereunto they had been so advanced. The remedy was, by giving power to the next, to enter for a forfeiture.—There was also enacted that charitable law, for the admission of poor suitors in forma pauperis, without fee to counsellor, attorney, or clerk."

*A Parl. called.*] Though in the acts of this parl. there is no mention made of the opposition then on foot; yet it is certain that Henry was not without his apprehensions. The impostor, Perkin Warbec, had prevailed upon the king of Scots to espouse his quarrel; who actually invaded England the next year; and Henry found himself obliged, at last, to lay the affair before a parl. which was summoned to meet at Westminster, on the 16th of Jan. 1493. Lord Bacon says, "that in a speech from the throne, he did much exagge-

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rate both the malice and the cruel predatory war lately made by the king of Scotland; 'that this king being in amity with him, and no ways provoked, should so burn in hatred towards him, as to drink of the lees and dregs of Perkin's intoxication, who was every where else detected and discarded. And that when he perceived it was out of his reach to do the king any hurt, he had turned his arms upon unarmed and unprovided people, to spoil only and depopulate, contrary to the laws both of war and peace: concluding, that he could neither with honour, nor with the safety of his people, to whom he did owe protection, let pass these wrongs unrevenged.' The parl. understood him well, and gave him a subsidy, limited to the sum of 120,000l. besides two 15ths. For his wars were always to him as a mine of treasure, of a strange kind of ore, iron at the top, and gold and silver at the bottom.—At this parl. there were no laws made to be remembered. Only there passed a law, at the suit of the merchant-adventurers of England, against the merchant-adventurers of London, for monopolizing and exacting upon the trade; which it seemeth they did, a little to save themselves, after the hard time they had sustained by want of trade. But those innovations were taken away by parliament."

*A Subsidy granted.*] The Subsidy granted this parl. according to Fabian, was two 10ths and a half, two aides and two 15ths, in order to raise the sum of 120,000l. for the Scotch war. The king borrowed also of the city of London 4000l.; but Hall and Hollingshead both say, that though this Subsidy, now granted, was not great, yet the common people grudged much to pay it; always hating such taxes and exactions.—No sooner did this Subsidy begin to be levied in Cornwall, than the Cornish men rose in an actual rebellion against it; under the leading of one Flammock, a lawyer, and one Michael Joseph, a blacksmith. These captains marched their followers towards Kent; and at Welles were joined by James Touchet, lord Audley, who, to the great joy of the insurgents, accepted of the sole command over them. From Welles they marched to Blackheath, where the king's forces met and defeated them without much trouble; the lord Audley and the other leaders were taken prisoners, and soon after executed.—Not long after the conclusion of the last parl. Perkin Warbec's affairs came to a crisis; and after many struggles to subvert the present govt. he was taken at last, and committed prisoner to the tower; from whence, not long after, he was drawn to Tyburn, and there executed.

*A Parl. called.*] It was not till 7 years after the last, that Henry thought fit to summon another parl. The summons to this parl. is not on record; but our Statute Books inform us, that it met on the 16th of Jan. 1505.—The king's pretence in assembling this parl. was the necessity of reviving certain statutes and making some new ones. But the real motive was to demand a Subsidy for his eldest daughter's dowry, just then married to the king of Scots. "The custom of demanding money on such occasions," says Rapin, "was too advantageous to this king to suffer it to be abolished. The new queen's portion was but 30,000 nobles; but, the subsidy granted may be well thought more considerable, besides a handsome present made by the clergy on the same account. So that instead of emptying his coffers, by the marriage of his daughter, he filled them the fuller for it.—Fabian, whose chronicle ends in the last year of this king, informs us, that it was not a subsidy, but only an aid of 36,000l. that was granted; though he does not tell us whether it was on the marriage of the princess or not.

*Acts passed.*] Lord Bacon begins his account of the proceedings in this parl. with observing, "That a man may easily guess how absolute the king took himself to be with his parliament, when his creature Dudley, that was so odious to the public, was made Speaker of the house of commons." He tells us, "that there were not any memorable statutes made in it, relating to public govt.; and those that were passed, had still a stamp of the king's wisdom and policy; that is, of his craft and avarice. The noble historian has given us so full a view of this king's unjust exactions, drawn up in a very few words, at the end of his account of the acts made in this parl. that it cannot be unacceptable to our readers.

"There was a statute made for the disannulling of all Patents of Lease or Grant, to such as came not upon lawful summons to serve the king in his wars, against his enemies or rebels, or that should depart without the king's licence; with an exception of certain persons of the long robe. Providing nevertheless, that they should have the king's wages, from their house, till their return home again.—Another statute was made, prohibiting the bringing in of Manufactures of Silk wrought by itself, or mixed with any other thread. But it was not of Stuffs of whole piece (for that the realm had of them no manufacture in use at that time) but of knit silk, or texture of silk; as ribbands, laces, cawls, points, and girdles, &c. which the people of England could then well skill to make. This law pointed at a true principle; that where foreign materials are but superfluities, foreign manufactures should be prohibited. For that will either banish the superfluity or gain the manufacture.—There was a law also of Resumption of Patents of Goals, and the re-annexing of them to the sheriffwicks; priviledged officers being no less an interruption of justice, than priviledged places.—A law was made to restrain the Bye-Laws or Ordinances of Corporations, which many times were against the prerogative of the king, the common law of the realm, and the liberty of the subject, being fraternities in evil. It was therefore provided, that they should not be put in execution without the allowance of the chancellor, treasurer, and the two chief justices, or three of them, or of the two justices



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of circuit where the corporation was.—Another law was, in effect, to bring in the Silver of the realm to the Mint, in making all clipped, diminished, or impaired coins of silver, not to be current in payments; without giving any remedy of weight, but with an exception only of a reasonable wearing, which was as nothing in respect of the uncertainty; and so, upon the matter, to set the mint on work, and to give way to new coins of silver, which should be then minted.—There was likewise a long statute against Vagabonds, wherein two things may be noted; the one the dislike the parl. had of goaling of them, as that which was chargeable, pesterous, and of no open example. The other, that in the statutes of this king's time, for this of the 19th year is not the only statute of that kind, there are ever coupled, the punishment of vagabonds, and the forbidding of dice and cards, and unlawful games, unto servants and mean people, and the putting down and suppressing of ale-houses, as strings of one root together, and as if the one were unprofitable without the other.—As for Riot and Retainers, there passed scarce any parl. in this time without a law against them, the king ever having an eye to might and multitude."

*A Subsidy and a Benevolence.*] "There was granted also in this parl. a Subsidy, both for the temporality and the clergy. And yet nevertheless, ere the year expired, there went out commissions for a general Benevolence; though there were no wars, no fears. The same year the city gave 5000 marks, for confirmation of their liberties; a thing fitter for the beginnings of kings' reigns than the latter ends. Neither was it a small matter, that the Mint gained upon the late statute, by the recoinage of groats and half groats, now twelvepences and sixpences. As for Empson and Dudley's mills, they did grind more than ever. So that it was a strange thing, to see what golden showers poured down upon the king's treasury at once. The last payments of the Marriage Money from Spain; the Subsidy; the Benevolence; the Recoinage; the Redemption of the City's liberties; the Casualties. And this is the more to be marvelled at, because the king had then no occasions at all of wars or troubles. He had now but one son and one daughter unbestowed. He was wise; he was of an high mind; he needed not to make riches his glory. He did excel in so many things else; save that certainly avarice doth ever find in itself matter of ambition. Belike he thought to leave his son such a kingdom, and such a mass of treasure, as he might choose his greatness where he would."

This was the last parl. called in the reign of Henry VII. who lived not three years after the dissolution of it. He died at Richmond, in Surrey, April 22, 1509, in the 52nd year of his age, and the 23rd of his reign.

### *Taxes in the Reign of Henry VII.*

In his 3rd year a large supply was granted him for a war with France; but the value of it uncertain.—In his 7th year a Benevolence was granted by parl. for the same purpose.—In his 11th year the remaining arrears thereof were collected to the full.—The next year he had a subsidy of 120,000l. besides two 15ths. In his 19th year he had an aid of 36,000l. for the dowry of his eldest daughter, then married to the king of Scots. And, in the same year, a subsidy in parl. both from the temporality and clergy; nevertheless he issued out commissions for raising a general Benevolence.

### *Price of Provisions in the Reign of Henry VII.*

In 1485, wheat sold at 3s. per bu. and bay salt the same price; hay, 5s. per load.—In 1489, oats at 2s. per qr.—In 1491, wheat 14s. 8d. per qr. —In 1494, oats at 2s. and beans 3s. 4d. per qr.—In 1491, wheat sold for only 4s. per qr. and the next year only 3s. 4d. But in 1497, it rose to 20s.—In 1498, hay sold from 8s. 2d. to 10s. and 12s. per load.—The next year, wheat sold for 1l. 4s. per qr.; and in 1504, for 5s. 8d. per bushel.—The next year, a load of hay sold for 6s. and oats 3s. per qr.—In 1506, oats 2s. and beans 3s. 8d. per qr. Next year about the same price.—And, in 1508, oats sold for 1s. 10d. per quarter.

### *Acts passed in the Reign of Henry VII.*

*Public Acts.*] 1 Hen. VII.—1. An act declaring in what cases a *formedon in descender* or remainder is maintainable against the pernors of the profits. 2. Strangers made denizens shall pay such customs as aliens do. 3. No protections shall be allowed by any court at Calais. 4. That priests and clerks shall be punished for incontinency by their ordinaries. 5. Against tanners, cordwainers, and curriers. 6. A pardon for them who assisted the king in his wars against Rich. late duke of Gloucester. 7. For punishment of offenders in hunting by night or disguised. 8. No Gascoigne or Guian wines shall be brought into the king's dominions, but by English, Welsh, or Irish mariners, and ships. 9. For reviving for 20 years the statute of 22 E. 4, c. 3, restraining the bringing in of wrought laces, &c. 10. For the alteration of king Rich. the 3d's act touching Italians.

*Private Acts.*] 1 Hen. VII.—1. An act concerning the annexing the duchy of Lancaster, and Cornwall, & al'. 2. For the restitution of divers persons in the time of Rich. the 3d attainted. 3. Of conviction and attainder of John late duke of Norfolk, Thomas earl of Surrey, Francis visc. Lovell, Walter Devereux knt. late lord Ferrers, John lord Zouche, and divers others. 4. For the duke of Bedford, and others. 5. For Henry lord Clifford. 6. For Wm. visc. Beaumont. 7. For John earl of Oxford, and others. 8. For Jane May, and others. 9. For the duke of Bedford. 10. For the duchess of Bedford. 11. For the countess of Richmond. 12. For Edw. son and heir of Henry duke of Buckingham. 13. For John lord Wells. 14. *Articulus Juratus in Parliamento.* 15. The restitution of Henry the 6th, the duke of Bedford, the duke

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of Somerset, and others. 16. The restitution of queen Eliz. late wife of Edw. the 4th. 17. *Adnullatio actus, &c.* 18. For confirming all letters patents made by the king, of the lands of persons attainted. 19. For Allen Catterall. 20. For Henry Kirkby, son of Rich. Kirkby. 21. For Wm. Brandon, knt. 22. For James Stanley, clerk. 23. For Edmond Clere, and Eliz. his wife. 24. For Roger Thorpe. 25. For the restitution of Tho. Ormonde, knt. 26. For Hugh Lotterell. 27. For Wm. Knevett. 28. For the earl of Devon. 29. For the king's household. 30. For the king's great wardrobe. 31. For Nicholas Vaux, son and heir of sir Wm. Vaux. 32. For the lord Hungerford. 33. For Johanne Fowler, widow. 34. For Tho. Delalaunde. 35. For Anne Pympe. 36. For Tho. Mille. 37. For Edm. Roos, son of Tho. lord Roos. 38. For Margaret countess of Richmond, the king's mother, and for Tho. earl of Derby, her husband. 39. For Lawrence Hill. 40. For John Weston, prior of the hospital of st. John of Jerusalem in England. 41. For Rob. Carey. 42. For restitution of Tho. Gray, knt. late marq. Dorset. 43. For sir Wm. Stanley, knt. 44. For sir John Verney, knt. and Margaret his wife. 45. Of restitution for John Tresham. 46. For the heirs of sir Geo. Browne, knt. 47. For sir John Seyntloo, knt. 48. For Wm. Troutebeck. 49. Of restitution for Roger Bellingham. 50. For Blanche Neville to enjoy certain lands, notwithstanding a recovery. 51. Another the like act for Margery Beckett, John Blackborne, and his wife. 52. For Rob. Willoughby, knt. and Eliz. his wife, and others. 53. Of restitution for Wm. Danyell. 54. Of restitution for John Calcott. 55. That Edw. Ellesmere may enjoy certain lands, notwithstanding his release. 56. Of restitution for John Beamount. 57. Of restitution for Tho. Agard and his wife. 58. Another act for John Beamount. 59. For Rd. Passelegh, and Johane his wife. 60. For the inhabitants of the isle of Tenett, to build a bridge at a place called the Starre Ferry. 61. For John Foster, esq. 62. For the mayor, bailiffs, and citizens of the city of Winchester. 63. For John Lenche. 64. Of resumption of lands, tenements, and other things.

*Public Acts.*] 3 Hen. VII.—1. Concerning the authority of the court of star-chamber. 2. The taking away of maidens, widows, or wives, against their wills, made felony. 3. For taking bail of persons arrested in certain cases. 4. All deeds of gifts to defraud creditors shall be void. 5. All bargains by the name of new chevisance, or dry exchange, shall be extirpate. 6. All unlawful chevisances and usury shall be extirpate. 7. Concerning the due ordering and recovering of customs. 8. Merchants aliens shall employ the money by them received, upon the merchandizes of the realm. 9. Freemen of London may carry their wares to any fairs or markets. 10. Damages shall be given to the plaintiff, where the defendant sueth a writ of error before execution. 11. No cloth shall be transported, before it be barbed, rowed, and shorn. 12. The king's officers shall not be retained by liveries, &c. with others. 13. For the price of long bows. 14. Conspiracy to destroy the king, or any lord, or divers officers of the king's house, shall be felony.

*Private Acts.*] 3 Hen. VII.—1. An act for the confirmation of letters patents made to the queen. 2. That the queen may sue in her own name, and for confirmation of letters patents made to Margaret countess of Richmond. 3. For George Vere, knt. and Margaret his wife. 4. For a gaol to be kept at Lewes for the shire of Sussex. 5. For the abbot and covent of Malmesbury. 6. For the custody of the lands and tenements of visc. Beamount. 7. For the prior of the monastery of st. Mary Magdalene in Monckbretton. 8. For the mayor and citizens of the city of York. 9. For the mayor, sheriffs, bailiffs, and commonalty of the town of Bristol, for paving of the streets there. 10. For Anne countess of Ware. 11. For Tho. Pulter. 12. For Roger Wake. 13. For the town and castle of Berwick. 14. For the town and castle of Calais, and for continuance of the staple there. 15. For the attainder of John earl of Lincoln, sir Tho. Broughton, and divers others. 16. For two fifteenths and tenths to be granted to the king. 17. To enable feoffees in trust to sue for the benefit of the feoffers, although they be outlawed. 18. For the attainder of John Spynell and others. 19. Against Tho. Penecston and others. 20. Of resumption of the offices or places of receivers, auditors, customers, collectors of customs, subsidies, comptrollers, searchers, surveyors, and places of other officers, accomptants to the king.

*Public Acts.*] 4 Hen. VII.—1. An act for the commissioners of sewers. 2. For the ordering of finers of gold and silver. 3. Concerning butchers. 4. Touching protections for passers into Britain in the king's service. 5. For the adnulling letters patents made to any spiritual person, to be discharged from payment or collection of dismes. 6. For the adnulling of letters patents of any office in the forest of Inglèwood in Cumberland. 7. Patents made to certain officers about the king, shall be in force no longer than they give their attendance. 8. For the prices of cloth sold by retail. 9. For the prices of hats and bonnets. 10. Wine and Thoulouse woad shall be brought in this realm in English ships only. 11. Concerning the buying of wools. 12. All justices shall execute their commissions, redress disorders, and maintain the laws. 13. Who shall be admitted to have the benefit of clergy. 14. Writings of any parcel of the earldom of Marche, shall be sealed with the great seal. 15. Authorizing the mayor of London to be conservator in all breaches and overflowings of the river of Thames, as well as within the same river. 16. Prohibiting the taking of more farms than one in the Isle of Wight. 17. The heir of *Cestuy que use*, holding lands

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by knight service, shall be in ward. 18. Against forging and counterfeiting of gold and silver foreign coins. 19. For maintaining houses of husbandry. 20. The prosecution of actions popular by collusion shall be no bar to those which shall prosecute in good faith. 21. For the preservation of the breed and fry of fish in the haven of Orford in the county of Suffolk. 22. Touching broiderers, and Venice gold. 23. Against the carrying of gold and silver over the sea. 24. How often a fine levied before the justices of the common pleas shall be proclaimed and read, and who shall be bound thereby.

*Private Acts.*] 4 Hen. VII.—1. An act of restitution for Thomas earl of Surrey. 2. For the earl of Nottingham. 3. For the restitution of Hen. Beamonde. 4. For Rich. Nanfan. 5. Of restitution for Rich. Revell. 6. For Wm. Parsons, James Leigh, and others. 7. Of restitution for the lord Ferrers. 8. Of restitution for Tho. Lacy and his wife. 9. For Oliver st. John, esq. 10. For Ellen Holt and Allen Holt. 11. For Wm. Stanley, knt. 12. For the transmutation and passing of lands without fine, by such persons as pass over the seas in the king's voyage. 13. For a subsidy to be granted to the king. 14. Of restitution of John lord Zouche. 15. Of restitution of Rob. Percy. 16. Of restitution of Hen. Spencer. 17. For the earl of Surrey. 18. For George earl of Shrewsbury. 19. For Tho. Ferrys, esq. and Anne his wife. 20. For the college of All Souls in Oxford. 21. For the inhabitants of the town of Southwolde. 22. For the inhabitants of the town of Northampton. 23. For the inhabitants of the town of Leicester. 24. For the expences of the king's household. 25. For the restitution of Anne and Eliz. Brakenbury. 26. For the covent of the monastery of st. Andrew in Northampton. 27. For sir Edmond Gorges, knt. 28. For the provost and scholars of the king's college in Cambridge and Eaton. 29. Of attainder of the abbot of Abington, John Mayne, and others. 30. For a 10th and 15th to be granted to the king.

*Public Acts.*] 7 Hen. VII.—1. Against the abuses of captains and soldiers in the wars. 2. For the protection of soldiers in the king's wars. 3. Another act for the privileges of such soldiers as shall go to the king's wars. 4. Concerning weights and measures. 5. Concerning trials in London. 6. Letters patents of discharge from payment of dismes and quinzismes, shall extend no further than they did in the time of king Edw. the 4th. 7. That all Scots depart the land within 40 days after proclamation. 8. For the contents of a butt of malmesey, and for the price and custom thereof.

*Private Acts.*] 7 Hen. VII.—1. An act against Tho. Croft. 2. For the preservation of the spawn of fish with the nasse and haven of Orford. 3. That no persons outlawed within the county of Lancaster should forfeit any of his lands or goods in any other shire but the same shire. 4. For two 15ths and 10ths granted to the king. 5. For the confirmation of a feoffment made by the king. 6. For confirmation of letters patents made to the queen. 7. To make the sum of 5 marks, payable by the abbey and covent of Barking, to be parcel of the manor of Havering. 8. For the countess of Richmond and Derby. 9. For the earl of Surrey. 10. For visc. Wells and his wife. 11. For Thomas lord de la Warre. 12. For the prior of Canterbury. 13. For sir Tho. Lovell, knt. 14. For Hugh Johnson and Johane his wife. 15. Of attainder of John Hayes. 16. Of attainder of Rob. Chamberlaine, knt. and Rd. White.

*Public Acts.*] 11 Hen. VII.—1. None going to battle with the king shall be attainted or make any forfeiture. 2. For punishment of vagabonds and beggars, and touching alehouses. 3. For the authority of justices of assise and of the peace. 4. The names of the towns limited for the keeping of weights and measures. 5. For pulling down wears in the haven of Southampton, between Calshord and Redbridge. 6. For packing, and paving the customs of woollen cloths. 7. For punishment of riots and unlawful assemblies. 8. For the punishment of usurers. 9. All the lands within north and south Tindal shall be parcel of the county of Northumberland. 10. For levying of the arrearages of the benevolence granted to the king. 11. Touching the taking apprentices in Norwich, and concerning ordinances to be made by the company of worsted-shearers. 12. Writs shall be given, and counsel assigned, to poor people, to speed them in their suits. 13. No horses nor mares above the price of 6s. 8d. shall be conveyed out of the realm without licence. 14. Strangers made denizens shall pay custom as strangers. 15. Against the misdemeanour of sheriffs and their officers, in their county-courts. 16. For keeping of the watch in Calais. 17. Against destroying pheasants and partridges. 18. Those who refuse to go with the king to his wars, shall lose their fees and annuities. 19. Against unlawful and deceitful stuffing and making of feather-beds. 20. What estates or alienations made by the wife, of the lands of her deceased husband, shall be void. 21. For the sufficiency of jurors in attaints in London. 22. For the wages of servants in husbandry, and of artificers and labourers. 23. For the true gauging and packing of salmon, eels, and herrings. 24. For the punishment of perjury, and the manner of proceeding in attaints. 25. For the punishment of perjury, champerty, maintenance and embracery, by the discretion of the chanc. treas. chief justices, and clerk of the rolls. 26. Touching the holding of the sheriffs turns in the counties of Southampton, Surrey, and Sussex. 27. To avoid deceitful sleights upon fustians.

*Private Acts.*] 11 Hen. VII.—1. An act for the confirmation of certain lands to the king, that were the lands of Rich. duke of Gloucester. 2. Of resumption of divers cas-

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tles, manors, lands, and tenements, which were formerly given by king Edw. the 3d, and king Rich. the 2d, to Edmond de Langley, duke of York. 3. Of restitution for Gervase Horne. 4. That all grants made of the manor of Woodstock be void. 5. For the queen's jointure. 6. For the making void of divers leases and offices within the principality of Wales, duchy of Cornwall, and earldom of Chester. 7. For the assuring of certain lands to the prince of Wales, &c. 8. For the assuring certain lands to the duke of York. 9. For the prince of Wales. 10. For the duchess of Bedford. 11. Of confirmation of a feoffment made by Thomas marquis Dorset, and his wife to divers feoffees to several uses. 12. For the earl of Oxford. 13. For the earl of Suffolk. 14. For the earl of Surrey. 15. Another act made for confirmation of a feoffment made by the said earl of Surrey. 16. For the earl of Devon. 17. For the earl of Kildare. 18. For the prior of Kilmaynan in Ireland. 19. For the cutody and govt. of visc. Beaumont and his estate. 20. For Edw. lord Dudley. 21. For John lord Zouche and Seymour. 22. Several provisoes for the indemnity of the lord Daubney, and others. 23. For sir Rich. Guildeford, that all his lands in the county of Kent shall not be of the nature of gavelkind, but descendable to the heir at the common law, as in other countries. 24. For sir Wm. Berkley, knt. 25. For John Shaa. 26. For the dean of st. Paul's. 27. For Tho. Middleton. 28. For Geo. Catesby. 29. For Simon Digby. 30. For sir Rd. Ratcliffe. 31. For Clement Skelton. 32. For the heirs of Wm. Waynsford. 33. For John Slingesby the elder. 34. For Hugh Mayne. 35. For the safe keeping of the towns and castles of Berwick and Carliol. 36. For the expences of the king's house. 37. For the attainder of Francis visc. Lovell. 38. For the attainder of sir Wm. Stanley, sir Simon Mountford, and others. 39. Concerning the peace between the king of England and the king of France.

*Public Acts.*] 12 Hen. VII.—1. Touching the taking of apprentices in the county of Norfolk, and the making of worsteds, sayes and stamins. 2. For the continuance of certain acts made in the last parl. 3. Repeal of a statute made the last parl. for labourers wages. 4. No forfeiture given by the statute 1 R. 3, c. 8, shall be taken before the next parl. 5. For weights and measures. 6. Merchants of England may carry their merchandizes to the marts, without payment of any fine to the merchants adventurers of London, but only 10 marks. 7. To take away the benefit of clergy from servants which wilfully murder their lords, masters, or sovereigns.

*Private Acts.*] 12 Hen. VII.—1. An act for confirmation of a feoffment made by the king, and to give him power to dispose of certain lands by will. 2. For the assurance of the queen's jointure. 3. For the earl of Surrey. 4. For Guy Sapcott. 5. A proviso for Wm. Stafford. 6. Certain articles against Tho. Yotton. 7. For 15ths and 10ths. 8. For a subsidy to be granted to the king, and for discharge of some persons from payment thereof.

*Public Acts.*] 19 Hen. VII.—1. For attendance upon the king in his wars. 2. To defer the paying of custom for bow-staves. 3. For the continuance of a statute made 11 H. 7, c. 24. 4. For using of long bows, and against shooting in cross bows. 5. What coin shall be current within the realm, and prohibiting money or bullion to be carried into Ireland. 6. Concerning pewterers and braziers. 7. For the validity of ordinances made by bodies incorporate. 8. Against the taking of scavage in cities and boroughs, London excepted. 9. For process in actions upon the case. 10. For the sure keeping of gaols, and to prevent escapes of prisoners. 11. Against the keeping of deer-hays, and back-sales. 12. For punishment of vagabonds, and for ordering of alehouses. 13. For punishment of riots and unlawful assemblies. 14. For punishment of unlawful retainers, and giving of livories. 15. The lands of *Cestui que use* shall be put in execution for his debt, and shall satisfy to the chief lord his relief and heriot, and (he being a bond-man) they may be seised by his lord. 16. To continue the statute made 11 H. 7, c. 26, for the holding of sheriffs turns in the counties of Southampton, Surrey, and Sussex. 17. For confirmation of so much of the statute made 11 H. 7, c. 11, as concerneth the taking of apprentices in Norwich; and for the repeal of so much of the same act, as concerneth worsted-shearers. 18. For free passage upon the river Severn. 19. Touching curriers and cordwainers. 20. For confirmation of a statute made 3 H. 7, c. 10, touching damages to be given to the plaintiff where the defendant sueth a writ of error before execution. 21. Concerning silk-women, and prohibiting silk wares ready wrought to be brought into this realm. 22. Repeal of an act not printed, made 4 H. 7, touching factors and attornies in Calais. 23. Confirmation of the liberties granted to the merchants of the still-yard. 24. For holding the shire court of the county of Sussex at Chichester and Lewes.

*Private Acts.*] 19 Hen. 7.—1. An act concerning a feoffment made by the king, of many lordships, lands, and tenements, &c. belonging to the duchy of Lancaster. 2. To make void divers letters patents formerly granted to the duke of York, after he came to be heir apparent to the king. 3. For the continuance of the staple at Calais. 4. To give the king power to restore Humfrey Stafford, John Bayntun, and divers others, being formerly attaint of treason. 5. For the abbess and covent of the monastery of st. Saviour of Sion. 6. An indenture between the king and the abbess and covent of the monastery of our saviour and st. Bridget of Sion. 7. For confirmation of a partition of lands made between Wm. marquis Barkley, and Tho. earl of Surrey. 8. That no actions, plaints, bills, or writs, being commenced and depending in the king's

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courts by persons not knighted, shall abate, if they be afterwards knighted. 9. For two aids granted to the king. 10. Of restitution for the lady Cecil, wife of the late visc. Wells, Wm. lord Willoughby, and others. 11. For the attainder of James Touchett, knt. lord Audley, Edmond earl of Suffolk, and divers others, confederate with Piers Warbeck. 12. For the restitution of Rob. Brewce. 13. For sir Wm. Mearing. 14. For the restitution of Jn. Heron. 15. For the restitution of Rich. Barkley. 16. Of restitution for Wm. Barley. 17. Of restitution for James Harrington.

## HENRY VIII.

On the demise of Henry VII. his only son, Henry, succeeded to the throne, by the name of Henry VIII. After the coronation, which was performed with great ceremony at Westminster, June 25, 1509, writs were issued out for calling a parl. dated at the same place, Oct. 17, to meet on the 21st of Jan. following. The first writ to the peers being directed to his most dear cousin, Edward duke of Buckingham, &c. The rest we subjoin in their order.

*Peers summoned to this Parliament.*

| | |
|---|---|
| Thos. Marq. of Dorset | Thomas lord Darcy |
| Henry earl of Northumberland | William lord Coniers |
| Thomas e. of Arundel | Willam Blount lord Mountjoy |
| John earl of Oxford | John lord Zouch |
| Thomas earl of Surrey | John Bouchier lord Fitz-Warin |
| Richard earl of Kent | Thomas Ormond lord Rochford |
| Henry earl of Essex | Thomas Fennys lord Dacre |
| Thomas earl of Derby | Ralph Ogle lord Ogle |
| Geo. e. of Shrewsbury | John Bourghchiere ld. Berners |
| Henry lord Clifford | Edmund Grey lord Wilton |
| George lord Nevile of Bergavenny | William lord Stourton |
| George lord Hastings | Thomas lord Dacre |
| Thomas West lord Delawar | Henry lord Scroope of Bolton |
| Richard lord Lumley | Thomas Grey lord Ferrers of Groby |
| John Brooke lord Cobham | Walter Devereux lord Ferrers |
| Edward Sutton lord Dudley | George, ld. Fitz-Hugh. |
| Rd. Nevile ld. Latimor | |
| Wm. lord Willoughby | |
| Charles Somerset lord Herbert | |

The like writs of summons were sent to the following judges, &c.

| | |
|---|---|
| Sir Robert Rede, knt. | William Grevile |
| Robert Brudenell | Lewis Pollard |
| Humphrey Conyngsby | Richard Elyott |
| Sir John Fisher, knt. | John Ernley, the king's attorney general |
| John Butler | |

On the day appointed, Jan. 21, 1510, the parl. met in the great chamber of the palace at Westminster, near the royal chapel, or oratory; and the king sitting on his throne, Wm. Warham, abp. of Canterbury, lord high chanc. of England, by the king's command, declared the cause of the summons under this text, 'deum timete, regem honorificate.' Pet. ii. Which the prelate divided into two parts: to the first he said, "that fear was essential in many proceedings; and that it particularly required kings and great men to fear God above all others; by the neglect of which, not only kings and their subjects, but even cities, commonwealths, and kingdoms, were afflicted, chastised, or almost totally subverted. For this cause only, that the fear of God was not before their eyes." To the 2nd part he argued, "that kings ought to be honoured by their subjects; and that to honour the king is to choose judgment or understanding. In enlarging upon which, he shewed many sorts or kinds of judgment; concluding, that the abovesaid honour was the most powerful when the king's subjects governed themselves well; and, when there was occasion, reformed themselves also. And, when the judges, acting by the royal authority, administer such judgment as is both just and right, humane and natural. Saying, how necessary good laws are for the right govt. of any kingdom, 'quia leges sunt norma reipublicæ bene instituendæ;" by an exact observation of which all republics must prosper. He argued also that our forefathers were accounted wise, not so much from many excellent laws which they made and published, for the benefit of posterity; but for a diligent and indifferent observation of them. Hence Almighty God ought to be prayed to, that good and nourishing laws might not only be enacted in this parliament, which he aptly termed the stomach of the nation, but that they might be also uprightly executed. Upon justice, he said, that it chiefly and necessarily behoved kings to govern their dominions wisely; and then introduced several other officers trusted with the affairs of the public. The judges, who rightly and duly administered justice, he said, were the eyes of the commonwealth; the learned expositors of the laws he styled the tongues of it. Others were the messengers of the govt. as the sheriffs and magistrates of cities and counties; the former of which, who did not execute their offices rightly, he compared to Noah's raven. The collectors of the taxes and customs he called the commonwealth's spies, of which number few he said were found to be good. Others were the pillars of the govt. as juries of 12 men are. Lastly, says our authority, 'cum magno audientium plausu,' he went upon the state of the whole kingdom, and urged that it was the real interest of each separate body, spiritual, temporal, and commonalty, to unite in supporting the crown; that justice, which is the queen of virtues, may be auspicious in the nation; that both bp. and peer may join in reforming the errors of past times; in utterly abolishing all iniquitous laws; in moderating the rough and severe ones; in enacting good and useful statutes; and, when made, to see that they should be faithfully, honestly, and inviolably observed. Which, if this parl. will perform,

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then he affirmed, that there was no one could doubt, but that God should be feared, the king honoured, and, for the future, the commonwealth served with good counsellors, every way useful to the king and kingdom."

*A Speaker chosen.*] After this discourse was ended, the chancellor, in the king's name, directed the commons to meet and choose their Speaker. Accordingly, on the next day, they presented Tho. Inglefield, esq. as their Speaker; whose excuse, for insufficiency, being not accepted, he was confirmed. At the same time it was unanimously agreed, by the lords, to meet the next morning, and every day during the sitting of this parl. at 9 of the clock, in order to do business.

Jan. 24, the lords again met, when 4 bills were presented and read. The first, as usual, to confirm the liberties of holy church. The next, to prevent false returns in escheats to the crown. One for forfeited patents granted for life; and another for reforming excess in apparel. The two first and the last were read twice on that day, and committed to the king's attorney and solicitor general for their amendments.

*Proceedings against Empson and Dudley.*] Lord Herbert tells us, "That at this time it was thought fit for many reasons, but especially for contenting the commonality, which seemed to be wholly altered by the rigorous proceedings of Henry VII. to call a parl. which began in Jan. following." He adds, "that the principal persons designed to be struck at in it, were Empson and Dudley, two of the late king's chief ministers; and who were now not only exposed to the revenge of all men, but had been publicly tried at Guildhall, some time before, for high treason, found guilty and condemned for it."

The reader may observe, that the lord chanc. glances strongly in his speech at the opening of this parliament, against such iniquitous practices, of which these men had been found guilty. And the principal scope of the members of both houses seemed to have reference to this business alone; especially the lower house were so warm in it, that the king thought proper, adds the historian above quoted, to restrain his own authority, in some sort, in order to enlarge the people's confidence and affection to him.—The first stroke that we find in the Journal-Book, made at these oppressors, is in a bill brought from the commons, and read in the upper house, for removing and abolishing both the names and offices of all Promoters and Commissaries for ever. To which the lords agreed, and ordered farther, that the names of those officers should be entered on the parl. roll, as a perpetual memorial of their infamy and disgrace.—The next is, that a bill of Attainder against the persons and estates of sir Tho. Empson, knt. and Edm. Dudley, esq. was brought up to the lords, and passed without opposition. Several of the statutes by which the late king took advantage of the people, were now either repealed, explained, or limited. Amongst which, the benefit of forfeitures for penal laws was reduced to the term of 3 years next succeeding, the offence committed to the king; and to any other person within one year. Lastly, some untrue inquisitions, found by Empson and Dudley, as also some assurances of lands passed to them, were annihilated and made void. But though these men were cast into prison, and thus loaded, as it were, by a double sentence of both jury and parl. yet the king was not over hasty in ordering their execution. Till the next year, in a progress he made, the people's clamours were so great against these criminals, that, for their satisfaction, he sent a special writ to have their heads struck off.

*A Subsidy.*] On the last day of the session, Feb. 23, the commons, with consent of the lords, granted a supply of two 10ths and two 15ths. After which being all met in the chamber called the Cross-Chamber of the palace; the king on his throne, and the peers in their parl. robes; the Speaker of the commons, now sir Tho. Inglefield, knt. spoke to the king on presenting the bills to this effect. "He first bestowed great praises on his maj. for the gifts of nature, fortune, and grace, which God had given to him. But more particularly enlarged on his promising valour, wonderful temperance, divine moderation in justice, and his avowed desire for clemency. At the same time he declared, by many examples, the great good will and due obedience which his subjects payed him; and as a testimony of which, the grant for the subsidy, which he then presented, containing a very large sum of money, was a sure and certain proof of their fidelity and affection towards his majesty's person and govt." After this harangue was ended, all the bills passed by this parl. were separately read for the royal assent; and then the lord chanc. returning thanks to the whole body, for their great care and diligence in enacting them, by the king's command, dissolved the parliament.

*A Parl. called.*] On the 28th of Nov. writs were issued for a parl. to meet at Westminster, on the 4th of Feb. 1512. At which time being all assembled in the Painted-Chamber, the king sitting on the throne, Wm. abp. of Canterbury, still lord chanc. opened the session by a speech from this text, 'Justitia & pax osculatæ sunt.' This he divided into 2 parts. "In the former of which he took notice, how necessary and wholesome it was for any powerful empire or govt. on any urgent occasion, such as the present was, to call parliaments, or public councils. This was the constant custom of the Roman govt. It was also the advice of Solomon, saying, 'Choose ye just men; be wise all ye that preside over the people.' He shewed that the divine wisdom, coming from kings and rulers, was far above all earthly knowledge. And from the love of justice and peace, those fruitful, mutual and amicable commodities, necessary in society, might sooner be gained. But then, lastly, he shewed, that when the streams of justice are perverted by

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men who seek to obtain their worldly promotions and power, variously and scandalously, 'per fas aut nefas;' by neglect of the poor, and being wholly swayed by carnal affections; by making juries forswearing themselves, by threats and other overbearing ways; then he said, it was full time to reform these abuses, lest worse should follow."—To the second part, he said, "Of holy peace, which Christ had left to his disciples by this text, and when wars should happen, God only suffered them on account of the sins committed by wicked princes or rulers. He told them, that in proclaiming war with an enemy, we should first examine the justness of the quarrel and the intention of the proclaimer. He added further, what was absolutely necessary in those that took the field and hoped for victory, first, that they should walk in the ways of the lord, and in him alone place their dependance; that every man should keep the post he was ordered to; that each individual should be content with his pay, and avoid all plunder." Lastly, he told them, "that this parl. was called, in order to correct and amend all the statutes and ordinances, which were found to be contrary to the common course of justice and the laws. At the conclusion, he directed the commons to choose their Speaker, and afterward present him to the king."

*War with France.*] The next day the commons presented sir Rob. Sheffield, knt. for their Speaker, who was approved of by the king and confirmed accordingly. On the 15th day of this session a direct declaration of War with France was made to them. At which time, the ld. chanc. by the king's command, opened to the bps. and lords the more secret causes for calling this parl. He acquainted them first, "that the king of Scots had many ways insulted and even destroyed several of the king's subjects, on the borders. Next, the war between the king of Castile and the duke of Guelderland, the king's ally, was to be considered. And, lastly, an account, translated into English, was read by the Master of the Rolls, concerning the dissentions, which were then on foot, between the pope and Lewis XII. of France; containing a recital of all the contumelies, mischiefs and injuries, which had been done to the holy see, by the said French king." And, afterwards, the said ld. chanc. with the lord treasurer, and other peers, went down to the lower house to acquaint the commons with these matters.—The proposal of a war with France was no sooner propounded to the houses, than accepted of. The Lords passed a bill, containing certain privileges granted to the marq. of Dorset, and other great men, that would go beyond sea with the king. And, the Commons voted a large supply, of two 10ths and two 15ths, with tonnage and poundage, to carry on the war.

*Acts passed.*] The most remarkable Acts passed, in the first session of this parl. were these:—"Every person that is or shall be in the king's wars, beyond the sea, or upon the sea, shall have a protection of 'Profecturus,' or 'Moraturus, cum clausula, volumus.' And he may alienate his lands, holden 'in capite,' without licence. And, if he die in that service, his heir within age and in ward, his executors, feoffees, or assigns, shall have the wardship and marriage, towards the performance of his will.'—"Penalties were ordained for captains that abridged the number of their soldiers, or detained their wages; also, for soldiers departing without licence.—Because money, plate, and jewels, &c. being carried out of the kingdom, impoverished it; it was enacted, that every offender that way should forfeit double value." An ordinance formerly made against escheators, commissioners, and finding and turning of officers, was also confirmed.—Because several unlawful games kept men from shooting in the long bow, they were put down, and archery commanded. For the better understanding of which act another passed, whereby the use of the cross-bow was also forbidden.—In this parl. the king reversed the attainder against the late sir Edm. Dudley, and restored his son John to all his lands and possessions.—March 30, the parl. by the king's command, was prorogued to the 4th of Nov. following, on which day it met accordingly.

*A Subsidy and a Poll-Tax.*] Lord Herbert writes, "That the king being now resolved to go abroad in person, in order to secure his own dominions from the Scots, he sent the earl of Surrey with an army into Yorkshire, to protect those northern parts of the kingdom. Whilst this was doing, he called a parl. to meet at Westminster; where, besides enacting several good laws, he had a grant of two more 10ths and 15ths, as a subsidy. Besides this, he had a Poll-Tax granted him; which was, of every duke 10 marks: of every earl 5l.; a lord 4l.; a knight 4 marks; of every man worth 800l. in goods the same; of each man who had 40s. in wages, 12d.; and of all who were at, or above, 15 years of age, 4d.

*Acts passed.*] The first act passed this session was, in order to secure the sea-coats; by erecting of bulwarks, brays and walls, in Cornwall, and elsewhere; and fortifying the castles on these coasts. Nor was this precaution without reson, for the very next summer the French landed a number of men in Sussex, but they were soon beat back again to their ships. Lord Herbert says, that after passing the above-mentioned act, and others of less concern, this parl. was again prorogued to Jan. the 23rd, 1513.

After Henry's return to England, the parl. met as before mentioned. The title of the firt act passed, in the Statute Books, is to ordain, "How the king's new subjects of Tournay and Terwin, in France, may have assurance and recovery of their debts due to them by Englishmen; and how Englishmen of them." It was also enacted, "That every man that would sue for the king's pardon, granted on certain articles, should have it."—In this session Margaret, daughter to George duke of

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Clarence, late wife to sir Rd. de la Pole, petitioned the king, that since Edw. earl of Warwick, her brother, had been attainted in a parl. held the 19th Hen. VII. and all his lands confiscated, it would please the king to restore her to blood and inheritance, and that she might be stiled countess of Salisbury; which was granted, and confirmed by parliament.

*A Parl. called.*] In the 6th year of his reign, Henry called another parl. And writs were accordingly issued out, dated Nov. 23, to meet at Westminster, on the 5th Feb. 1514. Being all assembled, as usual, before the king, in the Painted Chamber at Westminster, Wm. abp. of Canterbury, and chancellor, made an oration on these words; 'Nunc reges intelligite, erudimini qui judicatis terram.' On which words he observed, "That the ancients with great care, study and love, nourished the commonwealth; and that it was their greatest glory and comfort, when they saw it flourish under their auspices. But our republic sickens and decays; because the moderns prefer their own private affairs to the public. In order, therefore, to restore the commonwealth to its pristine sanity, the ablest physicians are, first, a wise king, which is the standard of the people, and a multitude of wise counsellors, which give health to the whole world. Afterwards, he told them that the ruling rod of a kingdom was what all kings ought chiefly to understand, since it went by a triple direction. The first was, that kings should carry themselves towards God, both in loving, fearing, and serving him. Next, that they should know how to govern themselves by knowledge, judgment, and reformation. Lastly, that every king ought to learn how to carry himself towards his subjects; viz. in administering impartial justice, in giving audience equally, and in taking the trouble himself to hear the complaints of his subjects. To this he added what qualities belonged also to good counsellors, viz. that they should give such counsel as was heavenly, honourable to the king, and useful both to the people and commonwealth. That they should be speakers of truth, and not flatterers; firm and not wavering in their councils, and neither covetous nor ambitious." To the second part of his text he said, "that it behoved them to judge righteously, without dread or fear of any man; for by fear, the course of justice hath been oftentimes hindered and perverted. The principal cause of which fear is the want of love for justice; he exhorted them, therefore, that they all should endeavour to cherish that love, according to the saying of Solomon, "love ye justice." Finally, he exhorted them, diligently to observe the abovesaid instructions, and that what wanted reformation in the state he hoped would be amended in this present parl.—The chancellor having recommended the commons to choose a Speaker, the next day they presented Tho. Nevile, esq. for that office; whose excuse being rejected, with the usual protestation, he was allowed.

Feb. 10, the lord chanc. attended by the abp. of York, the bps. of Winchester and Durham, the earl of Surrey, lord treasurer, the earl of Worcester, with other peers, went down to the house of commons, where the chancellor declared the more particular causes of the calling this parl. He first acquainted them, "that the money granted to the king by the last parl. was not yet fully received; and that it had been thought necessary to collect the Poll-Tax, he supposed, not from the poor and needy, but from the rich, and those who were able to pay it." "That the Scotch had lately, at several times, done great injuries to the king's subjects, both by land and sea, and were daily meditating more. By which attempts, his maj. being sufficiently provoked, had determined to declare war against them. Therefore the chancellor exhorted the commons diligently to consider these things, and the king's necessary expences on that occasion."

Feb. 15, a contest arose in the house of lords, concerning the super-eminence of seats in parl. Tho. earl of Surrey claimed the first place amongst the earls, both in and out of parl. as being the eldest son and heir to the duke of Norfolk. On this occasion Garter king at arms was sent for before the lords, who shewed his book of the arms and families of the ancient nobility and other peers of this kingdom; but said, that as concerning the superiority of seats in parl. he could not determine. Whereupon the lord chanc. deferred the decision of this question to Saturday following. And on that day the lord chanc. declared and decreed, "that the earl of Surrey, with much humility and discretion, had agreed to content himself with his place in parl. according to his creation, and not dignity; provided always that his place of honour and dignity out of parl. should be reserved to him. And that if hereafter any ancient records should be found, in the Tower of London, or elsewhere, proving the said pre-eminent place in parl. to belong to the said earl, that then the said seat should be restored unto him, notwithstanding this present decree against it."

*Acts passed.*] This parl. sat till the 5th of April, when they were prorogued to the 12th of Nov. following. The most remarkable statutes made in this session are drawn up by lord Herbert in this manner:—"I shall set down the laws enacted in this parl. where I find one of their chief cares was, to put into better order the former laws concerning Apparel; which yet was not so well digested, but that the year following even the law itself changed fashion. Howsoever, that of Archery, made before, was not only confirmed, but made perpetual; so that notwithstanding the use of caleevers, or hand-guns, for muskets were not yet known, it was thought fit to continue the bow. Hand-guns and cross-bows were forbidden, under certain penalties, to all men that had less than 500" (the stat. says 300) "marks per an. The Wages for artificers were also settled, and the price of Watermen. A pe-



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nalty also was imposed on those who changed tillage into pasture. And very good order taken concerning deceit in Cloth, as being the only cause they had not so good vent abroad. The commission of sewers, extending to the making up of the sea-walls, &c. in England, the marches of Calais, Guisnes, and Hames, began 6 Hen. VI. and continued 4 Hen. VII. for 25 years, being now upon expiration, was continued also for 10 years more. It was commanded that the river of Canterbury should be deepened. It was provided that wool should not be carried beyond sea; which was to the benefit of the clothiers. No second letters patents also might be taken, without mentioning the first; which was very equal both for the king and subject. And because divers now, being weary with sitting so long in parl. did depart home without licence, they only remaining who factiously combined themselves, with intention to gain the major part of voices in any thing they desired to obtain, it was ordered they should lose their wages if they went without the leave of the Speaker and common house, to be entered in the book of the clerk of parliament."

*A Parl. called.*] The next session of this parl. met, according to prorogation, on the 12th of Nov. 1516. On the 15th, two bills were brought into the lords by the king's solicitor; one concerning Conspiracies, and the other relating to what service was due to the king, in his wars, by those who held lands, in fee, or annuities, from the crown. But though it appears by the Journal, that the latter of these was read 3 times by the lords, passed, and sent down to the commons, yet it is probable they were both thrown out there; for we do not find that either of them, by the printed books, were passed into statutes.

Nov. 28th, the clerk of the parl. was commanded by the lord cardinal, and other lords, that he would annex to the act of Resumption, a certain provision, then brought and signed with the king's own hand, for George earl of Shrewsbury; and that he should enter the same on the Rolls of parl. There was no act of resumption passed into a law this parl. that we can find; and this is only mentioned, because it is the first time that the name of the famous Cardinal Wolsey has occurred in these inquiries.

No matters of any consequence happened till Dec. 20, when a bill was brought into the lords, signed with the king's own hand, concerning the lady Mary, as she is there called, dowager of France, the king's sister, relating to her jointure, and which had passed the commons. This bill was read by the lords 3 times in one day and assented to; but of what further concern it was, neither history nor the statute books inform us.—Another item, in the Journal of this day, is also somewhat remarkable, viz. "That it being Thursday in the afternoon, and the vigil of st. Thomas the apostle, it was ordered, that every lord who was at that time absent should pay 10l."—The next day, it is said that a bill was brought into the lords, concerning a Subsidy; that it was read the first time, and then ordered to be carried to the commons by the lord chanc. But what this subsidy was, or whether it passed the lower house or not, is uncertain.—Dec. 23, a bill for a general Pardon from the king, was passed, with 9 exceptions contained in it. And the same day the lord chanc. sent for the commons into the house of lords; and, after giving them thanks for their speedy and hearty dispatch of business for the public good, he exhorted both lords and commons to take care, that the laws and statutes, in this case provided, be well and regularly kept and observed, in the several parts of the kingdom where they dwelt. And then, by the king's command, dissolved this parliament.

*Acts passed.*] The most remarkable acts passed in this session were these; "An Act to prevent tillage from being turned into pasture. A repeal of licences granted to strangers, for bringing in of Gascoign, or Guienne wines, or Thoulouse woad; which added much to the increase of our own shipping. A time was stated, without which all motions, bills, suits, indictments, or informations popular, shall be sued, either for the king or party. The act concerning Labourer's Wages, made in the year preceding, was also repealed; because it concerned certain labourers in London.

*A Parl. called.*] It was full 7 years after the dissolution of the last, before another parl. was called. The book of printed Statutes, and Dugdale's Summons to Parliament, both inform us, that it was not till the 14th year of this king, that a parl. was again summoned, to meet at the Black Fryers in London, on the 15th of April, 1523. At the time appointed, J. Stowe writes, That the king being seated on the throne in the parl. chamber, at his feet, on the right side, sat the cardinal of York and the abp. of Canterbury; and at the rail behind stood dr. Tunstal, bp. of London, who made an eloquent oration to the parl. on the office of a king, to this effect. He first said, "That a king must be a man of judgment, according to the saying of David, 'Deus judicium regi da,' &c. And that he must also be a man of great learning, according to this text, 'Erudimini qui judicatis terram.' According to this saying of the prophet, he added, that God had sent them a prince of great judgment, learning, and experience; who, according to his princely duty, forgot not to study how to put forward every thing that might be profitable to his people and realm. Lest this saying of Seneca might be laid to his charge, 'es rex, et non habes tempus esse rex?' Which is as much as to say, Art thou a king, and dost nothing profitable to thy people? Art thou a king, and wilt not provide a remedy for the diseases of the commonwealth? For this cause the king hath called this parl. both for remedying the mischiefs that are in the common law, as recoveries, foreign vouchers, corrupt trials; as also for making and ordering

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new statutes, which may be to the great advantage of the commonwealth. Lastly, he willed the commons to repair to their own house, to elect a Speaker; and certify it to the lord chanc. who would acquaint them when his maj. would have him presented before him."

*Sir T. More elected Speaker.*] Accordingly the commons chose for their Speaker sir Tho. More, knt. who being presented for that purpose, pleaded his disabilities as usual; and in his speech brought in a story of Phormio, the philosopher, who desired Hannibal to come to his lectures, which when he consented to and came, Phormio began to read De Re militari, of chivalry; that as soon as Hannibal heard this, he called the philosopher an arrogant fool, to presume to teach him, who was already master of chivalry and all the arts of war. "So, says sir Tho. if I should presume to speak before his maj. of learning, and the well ordering of the govt. or such like matters, the king, who is so deeply learned, such a master of prudence and experience, might say to me as Hannibal to Phormio." Wherefore, he humbly besought his maj. to order the commons to chuse another Speaker.—To this speech the cardinal, as chancellor, replied, that his maj. by long experience of his service, was well acquainted with his wit, learning, and discretion; and that therefore he thought the commons had chose the fittest person of them all to be their Speaker." Who then made the usual protestation, and was admitted.

*Wolsey goes to the Commons to hasten the Supply.*] Though it is said, in the declaration, at the opening of this session, that the amending the old laws and making new ones, was the only occasion of the summons; yet history informs us, that the necessities of the state, for money, was the real motive for calling this parl. In making this demand, the cardinal thought proper that the spirituality should lead the van, in granting the Subsidy. Accordingly, the bps. and clergy, with some little opposition, taxed themselves to the one half of their revenues spiritual, to be paid in 5 years following. After this, Wolsey fearing some opposition to his demands in the commons, proposed to go there himself, and give his reasons why the Subsidy should be granted. We are told, that this new way of making a demand was much debated in the house: and if they did admit the cardinal, whether it should be with a few followers only, or with his whole train. The majority was for the former, but the Speaker, sir Tho. More, gave his opinion on the question in these words (*a*), "Maisters, for as much as my lord cardinal, lately, as yee woote well, layde to our charge the lightness of our toungs, for thinges uttered out of this house, it should not in my minde be amisse to receave him with all his pompe; with his maces, his pillars, his pole-axes, his cross, his hatte, and the great seale too; to the intent that if he finde the like faulte with us then, we may lay the blame upon those whome his grace bringeth with him." This was agreed to, and the cardinal in the manner aforesaid, went into the house, and there in a long and eloquent oration to them, "he charged Francis the French king with breach of faith, in falsifying the league sworn to for the general peace of Christendom. Besides, his neglect of the stipulated annuity for Tournay, and some other matters. Insomuch, that the king could do no other, in this public cause, than join with Charles the emperor in a war against him. That the charge thereof had been estimated, and amounted to 800,000l. Therefore he required, that the abovesaid sum should be raised out of the 5th part of every man's goods and lands, to be paid in 4 years."

The author of the Life of Sir T. More, tells us, that the house were silent to this demand, contrary to the minister's expectation, and when he demanded some reasonable answer, every member held his peace. At last, the Speaker falling on his knees, with much reverence, "Excused the silence of the house; abashed, as he said, at the sight of so noble a personage, who was able to amaze the wisest and most learned men in the realm. But with many probable arguments he endeavoured to shew the cardinal that his manner of coming thither was neither expedient nor agreeable to the ancient liberties of that house. And, in conclusion, told him, That except all the members present could put their several thoughts into his head, he alone was unable, in so weighty a matter, to give his grace a sufficient answer." Whereupon the cardinal, displeased with the Speaker, suddenly rose up in a rage and departed. The next day, says lord Herbert, sir T. More, enforced the cardinal's arguments, by endeavouring to demonstrate, "That it was not a great deal, on this occasion, to pay 4s. in the pound." To this he was answered, "That though some men were well monied, yet, in general, it was known, that the 5th of men's goods was not in plate or money, but in stock and cattle. And, that to pay away all their coin, would alter the whole frame and intercourse of things. For, if tenants come to pay their landlords in corn and cattle only, and the landlord again could not put them off from paying these things they had no need of, there would be a stop in all traffic and merchandize, and consequently the shipping of the nation must decay; and the nation itself, for want of money, grow, in some sort, barbarous and ignoble. They were desired to consider, that the king had already got of them, by way of loan, 2s. in the pound, which amounted to 400,000l. and now to have 4s. would come to, in the whole, 1,200,000l. which first and last is full 6s. in the pound, and is almost a 3rd of every man's goods; and cannot be had in coin in the whole kingdom. For proof of this, it was alledged, that supposing 15,000 parishes in England, and each parish should

(*a*) Life of sir T. More, by his great grandson Thomas More, esq. p. 51.

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pay 100 marks, this would only amount to 1,500,000 marks, which is but 1,000,000l. And how many parishes are there in England, out of cities and towns, one with another, able to spare 100 marks? It was said, indeed, that there were no less than 40,000 parish churches in England, whereas it may be proved there are not 13,000 parishes; then reckon that the whole sum cannot amount to above 1,000,000l. and the king demanding 800,000l. and he, after this valuation, having received 400,000l. therefore it was judged impossible to levy the sum demanded; for if all the coin should come into the king's hands how should men live?"

To these arguments it was replied by the courtiers, "That the money demanded ought not to be accounted as lost, or taken away, but only to be transferred into other hands of their kindred or nation; herein therefore, that no more was done than what we see ordinarily in markets; where, though the money change masters, yet every one is accommodated. Howsoever, that no man ought to refuse unto him that fighteth for the honour and safety of his country, so much as will maintain him, since he denies it not even to his labourer. That those who are employed, must have been fed when they staid idle at home, and yet that they asked no more now, to give the uttermost proof of well-deserving patriots. Howbeit, you may reply, this will exhaust the coin from the poorer sort; but, to avoid this objection, let the richer go themselves. Let them shew, in defending their country, that they merit the better and greater parts thereof. Our king will not deny them this honour. Or, when they would desire to be exempt, and lay the burthen and hazard upon others, let them not grudge yet the giving so poor a stipend, as some of their servants at home would scarcely take to stand bare-headed to them. Neither are they to value themselves more than others, because they have larger possessions, unless they employ it for the public good. Nor is it well said of you, when you object that this will carry the money out of England, and leave it in France; for doth it not carry the men too, and so in effect prove but the same expence? Notwithstanding, if you be so obstinate as to believe that making war in a country brings money to it, do but conceive a while, that the French had invaded us; would the money they brought over, think you, enrich our country; should any of us be the better for it? Let us therefore lay aside those poor scruples, and do what may be worthy the dignity and honour of our nation. When you did conceive the worst that can fall out, you should yet eat your beef and mutton here, and wear your country cloth; while others, upon a short allowance, fought only that you might enjoy your families and liberty. But I say confidently you need not fear this penury or scarceness of money; the intercourse of things being so established throughout the world, that there is a perpetual derivation of all that can be necessary to mankind. Thus your commodities will ever find out money; while, not to go far, I shall produce our own merchants only, who will be always as glad of your corn and cattle, as you can be of any thing they bring you. Let us therefore, in God's name, do what becomes us; and for the rest, entertain so good an opinion of our soldiers, as to believe, that instead of leaving our country bare, they will add new provinces to it; or, at least, bring rich spoils and triumphs home."

*A Subsidy granted.*] At last, after much debate and contention, it was agreed by the commons, that every man of estate of 20l. yearly and upwards, should pay 2s. in the pound; and from 20l. a year downwards to 40s. 1s. in the pound; and under 40s. every head of 16 years old or more should pay 4d. in two years. The cardinal hearing no more was intended, seemed much troubled; and therefore, coming to the lower house of parl. he told them, that he desired to reason with those who opposed his demands; but being answered, that it was the order of that house to hear, and not to reason, but amongst themselves, the cardinal departed. Yet, by the liberal motion of some of the lower house, those of 50l. land and upwards, were induced to give 1s. more, being 3s. in the pound, for 3 years to come; which at length being continued to the 4th year, and extended to those who were worth 5l. in goods, was all that could be obtained."—Hall informs us, "That it was one sir John Husee, a Lincolnshire knight, who, to please the cardinal, first made the motion in the commons, for 12d. in the pound on land, upon all those who were worth 50l. a year and upwards, to be paid in 8 years. That, on the question's being put, 10 or 12 gent. said yea; and on the negative's being asked, not one nay was heard. For the commons would not condemn nor hinder the landed men from charging themselves; so that by 10 or 12 persons the gentlemen were burthened with 12d. more than others, for which the said sir John had much evil will."—This grant was passed on the 21st of May; at which time, because Whitsuntide was near, the parl. was adjourned to the 10th of June.

Hall proceeds and tells us, "That when the parl. began again, the landed men, who were charged 12d. in the pound on 50l. a year and upwards, moved the house, that all such as were worth 50l. a year, or upwards, in goods, should pay the same tax in 4 years. This motion occasioned a great debate in the house; and June 22nd the question was put, and it being doubtful whether the yeas or nays had it, the house divided, the citizens and burgesses by themselves, and the knights of shires on the other side; the former stiffly affirming that the motioners were enemies to the realm. At the last, the Speaker called them altogether, and after long persuasion, and tampering by private means, it was agreed that 12d. in the pound should be paid in 4 years, on 50l. in goods"—On the 31st of July, this parl. was adjourned to Westminster, and there continued until Aug.

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13th, when, at 9 o'clock at night, it was dissolved.

*Acts passed.*] Lord Herbert has left us an abstract of the most remarkable statutes made in this session, which is as follows:—"That our merchants might have 8 days preference before strangers, for buying of broad white woollen cloth, brought to Blackwell-Hall in London, unless in fairs, ports, creeks, &c. That strangers using a handy-craft, should take no apprentices, nor above 2 journeymen, unless they were the king's subjects. That they should be under the search and reformation of the wardens and fellowship of handicrafts, and one substantial stranger, to be chosen by the said wardens. That they should cause a mark to be put on the wares and workmanship to be known thereby. That if they were falsely and deceitfully made, they should be forfeit. That this provision should extend to strangers living in other towns than London. That if strangers were wronged, they might seek their remedy from the lord chanc. and treasurer of England, or the justices of assize in the counties where they lived. That during this parl. their apprentices or journeymen might continue as before, and so to endure to the last day of the next parl. This act was not yet to extend to strangers of Oxford, Cambridge, and the sanctuary of St. Martin's-le-Grand in London. That if the officers refused to put a mark on the wares, or workmanship of joiners, blacksmiths, &c. being strangers, that then it was lawful for the strangers to sell them without the said mark. That lords and others, the king's subjects, of 100l. yearly, might take and retain strangers, being joiners and glaziers, for their private service, this act notwithstanding. That Englishmen living under foreign princes, and being sworn to them, should pay such custom to our king, subsidy and toll, as other strangers of those parts do. And that the governor of the merchant-adventurers, or the king's ambassadors, in foreign countries, shall certify their names to the chancery, to the intent that order may be given therein to the king's officers in havens, ports, and creeks. Yet if any such Englishman did return to inhabit here, that then he should be restored to all the liberties of a subject." The statute of 6 Hen. VIII. 13, forbidding shooting in cross-bows, or hand-guns, was dispensed with in men of 100l. per annum. That coiners, who make money in any mint in England, should coin of every 100l. of gold, 20l. into half angels or pieces of 40d.; and of every 100l. worth of bullion, plate or silver, a portion into groats, two-pences, pence, half-pence, and farthings; the farthings to have a mark different from half-pence. That they who bring less than 100l. in bullion or plate to the mint, shall have the 10th thereof in half-pence and farthings. That they which be in the king's service in wars may aliene their lands, for performance of their wills, without any fine for alienation. And if any of them die in the king's service in war, his feoffees or executors shall have the wardship of his heir and lands."

Though we find that a sufficient time was allowed for the payment of the last Subsidy, yet the war with France and Scotland so exhausted the king's treasury, that the very next year it was required, from all men worth 40l. that the whole subsidy, granted as before, payable in 4 years, should be anticipated, and brought to the king in one entire payment. This unprecedented proceeding gave the commons great disgust; and they did not fail, says lord Herbert, to impute it all to the cardinal minister. Speed informs us, that it was so insupportable to the poorer sort of subjects, that the payment of it was utterly denied to the collectors, with weepings, cursings, and great exclamations, which almost grew to an open rebellion. The county of Kent refused it to lord Cobham; Essex would not so much as talk with the commissioners about it; Huntingdonshire did the same; London would be taxed by none but their aldermen; and Suffolk rose up in arms, making poverty their captain. The blame of all fell upon the Cardinal; but he, being now by his church dignities rendered almost an English pope, looked down upon their threats with contempt, and despised their menaces. However, a little time after, they gave this haughty prelate some terrible reasons to alter his opinion. This minister had been so rebuffed by the commons, in his last demand of a Supply, that he was in no haste to advise the king to call another parl. For, as in his ministry there had been none called for 7 years before this last, so it was 6 or 7 years more before another was summoned.

*Money demanded without consent of Parl.*] During this time one of his greatest attempts to raise money without the help of parl. happened in 1526, when commissions were sent into every county in England, for levying the 6th part of every layman's goods, and the 4th of the clergy's. This the people resented so much, that it had like to have occasioned a rebellion. They alledged, 1st, that these commissions were against law; next, their own poverty; and that the king, since the 14th of his reign, had received of them twenty 15ths. But, as lord Herbert observes, "this seemed all to be done without the king's knowledge; so, when the consequence of it appeared, it was resolved to disavow the whole proceeding. And the king sent letters all over England, declaring he would ask nothing of them but by way of Benevolence. So that the Cardinal, by these means, got many a curse, and the king as many blessings."

In 1528 began the important affair of the divorce between Henry VIII. and his queen Katherine. We shall leave a thorough disquisition of this matter to lord Herbert, bp. Burnet, and our general historians of these times; and shall only collect what an English parl. had to do in this great and memorable event.

*Wolsey's disgrace.*] But before it took place, it proved the ruin of the Cardinal; for, being detected of some underhand dealing, be-

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tween the pope and the king, and having managed so ill as to make both queen Katherine and Mrs. Anne Bullen, his enemies, he fell first into disgrace, and afterwards under the monarch's highest displeasure. The Cardinal was first indicted in the King's Bench, on the statute 16 Rich. II. concerning Premunires; found guilty; and sentence was passed upon him, "That he was out of the king's protection; his lands, goods, and chattels forfeit; and that his person might be seized on." He was afterwards tried by a great council, collected for that purpose in the Star-Chamber; where he met with no better treatment. And, lastly, the king remitted the whole affair to a parl. which began to sit at Westminster, Nov. 3, 1529.

On the first day of this parliament's meeting, sir Tho. More, now lord chanc. made an eloquent oration, says Hall, to this effect: "That, like as a good shepherd, who not only tendeth and keepeth well his sheep, but also foreseeth and provideth against every thing, which either may be hurtful or noisome to his flock; or may preserve and defend the same against all chances to come; so the king, who was the shepherd, ruler, and governor of this realm, vigilantly foreseeing things to come, considered how divers laws, by long continuance of time and mutation of things, were now grown insufficient and imperfect: and also, that by the frail condition of man, divers new enormities were sprung up amongst the people, for the which no law was made to reform the same, he said, was the very cause why, at this time, the king had summoned his high court of parl. He resembled the king to a shepherd or herdsman also for this cause; if a king is esteemed only for his riches, he is but a rich man; if for his honour, he is but an honourable man; but compare him to the multitude of his people, and the number of his flock, then is he a ruler, a governor of might and power; so that his people maketh him a prince, as of the multitude of sheep cometh the name of a shepherd. And, as you see, that amongst a great flock of sheep some be rotten and faulty, which the good shepherd sendeth from the sound sheep; so the great wether, which is of late fallen, as you all know, juggled with the king so craftily, scabbedly, and untruly, that all men must think, that he imagined himself that the king had no sense to perceive his crafty doings, or presumed that he would not see or understand his fraudulent juggling and attempts. But he was deceived; for his grace's sight was so quick and penetrable, that he not only saw him, but saw through him, both within and without; so that he was entirely open to him. According to his desert, he hath had a gentle correction; which small punishment the king would not should be an example to other offenders; but openly declareth, that whosoever hereafter shall make the like attempt, or commit the like offences, shall not escape with the like punishment. Lastly the chancellor said, that because they of the house of commons were a great number, and could not speak all at one time; therefore the king's pleasure was, that they should resort to their own house, and there, amongst themselves, according to ancient custom, choose an able person to be their common mouth, or Speaker; and after they have so done, to advertise his grace thereof, who will declare to them his pleasure, what day he will have him presented in this place."

*A Speaker chosen.*] On the 6th of Nov. the commons presented Tho. Audley, esq. to the king as their Speaker, who there made another eloquent oration, which, says Hall, consisted of two points: the first was, "that he much praised the king for his equity and justice, mixed with mercy and pity; so that no offence was forgotten or left unpunished; and, in the punishment, the extremity or rigour of the law was not cruelly extended; which should be a cause both to bridle all men from doing the like offences, and an encouragement to offenders to confess their faults, and occasion amendment and reconciliation." To the 2nd point, "he endeavoured to disable himself, for want of sense, learning, and discretion, for the taking so high an office; beseeching king to cause his commons to resort again to their house, and there to choose another speaker for that parl." To this the king replied, by the mouth of the chancellor, "that whereas he sought to disable himself in sense and learning, his own elaborate discourse there made testified to the contrary: and touching his discretion and other qualities, the king himself had well known him and his doings, since he was in his service, to be both wise and discreet; and so, as an able man, he accepted him, and admitted him Speaker."

*Articles against Cardinal Wolsey.*] The principal thing we meet with is, that certain articles were now preferred against the Cardinal. Lord Herbert has copied them from the original record, which he says, he has thought fit to transcribe, because our vulgar chronicles have misrepresented them: and, though many in number, they must find a place in these enquiries.

*Articles of Impeachment exhibited in Parliament against Cardinal Wolsey.*

"Constrained by necessity of our fidelity and consciences, complain and shew to your royal majesty, we your grace's humble, true, faithful and obedient subjects, That the lord cardinal of York, lately your grace's chancellor, presuming to take upon him the authority of the pope's legate 'de latere,' hath, by divers and many sundry ways and fashions, committed notable, high, and grievous offences; misusing, altering, and subverting the order of your grace's laws, and otherwise contrary to your high honour, prerogative, crown, estate, and dignity royal; to the inestimable damage of your grace's subjects of every degree, and consequently to the great hindrance, diminu-

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tion, and decay of the universal wealth of this your grace's realm, as it is touched summarily and particularly in certain articles here following; which be but a few in comparison of all his enormities, excesses, and transgressions, committed against your grace's laws. That is to say—I. Where your grace, and your noble progenitors within this your realm of England, being kings of England, have been so free, that they have had in all the world no other sovereign, but immediately subject to Almighty God in all things, touching the regality of your crown of England; and the same pre-eminence, prerogative, jurisdiction, lawful and peaceable possession, your grace, and your noble progenitors have had, used, and enjoyed without interruption, or business therefore, by the space of 200 years, and more; whereby your grace may prescribe against the pope's holiness, that he should not nor ought to send, or make, any legate to execute any authority legantine, contrary to your grace's prerogative within this your realm: now the lord cardinal of York, being your subject, and natural liege born, hath of his high, orgillous, and insatiable mind, for his own singular advancement and profit, in derogation, and to the great inblemishment and hurt of your said royal jurisdiction and prerogative, and the large continuance of the possession of the same, obtained authority legantine, by reason whereof he hath not only hurt your said prescription, but also, by the said authority legantine, hath spoiled and taken away from many houses of religion s your realm much substance of their ; and also hath usurped upon all your ries, within this your realm, much part ir jurisdiction, in derogation of your pre- ve, and to the great hurt of your said or- es, prelates, and religious.—II. Also, the d. cardinal, being your ambassador in e, made a treaty with the French king e pope, your maj. not knowing any part of, nor named in the same; and binding id French king to abide his order and , if any controversy or doubt should arise he same betwixt the said pope and the king.—III. Also, the said ld. cardinal our ambassador in France, sent a com- to sir Gregory de Casalis, under your eal in your grace's name, to conclude a of amity with the duke of Ferrara, without any command or warrant of your highness, nor your said highness advertised, or made privy to the same.—IV. Also, the said ld. cardinal, of his presumptuous mind, in divers and many of his letters and instructions sent out of this realm to outward parts, had joined himself with your grace, as in saying, and writing in his said letters and instructions, 'the king and I.' And, 'I would ye should do thus.' 'The king and I give unto you our hearty thanks.' Whereby it is apparent, that he used himself more like a fellow to your highness than like a subject.—V. Also, whereas it hath ever been accustomed within this your realm, that when noblemen do swear their household servants, the first part of their oath hath been, that they should be true liege-men to the king, and his heirs kings of England; the same ld. cardinal caused his servants to be only sworn to him, as if there had been no sovereign above him.—VI. And also, whereas your grace is our sovereign lord and head, in whom standeth all the surety and wealth of this realm, the same lord cardinal, knowing himself to have the foul and contagious disease of the great pox broken out upon him in divers places of his body, came daily to your grace, rowning in your ear, and blowing upon your most noble grace, with his perilous and infective breath, to the marvellous danger of your highness, if God of his infinite goodness had not better provided for your highness. And when he was once healed of them, he made your grace to believe that his disease was an impostume in his head, and of none other thing.—VII. Also, the said ld. cardinal, by his authority legantine, hath given, by prevention, the benefices of divers persons, as well spiritual as temporal, contrary to your crown and dignity, and your laws and estatutes therefore provided, by reason whereof he is in danger to your grace of forfeiture of his lands and goods, and his body at your pleasure.—VIII. Also, the said ld. cardinal, taking upon him otherwise than a true counsellor ought to do, hath used to have all ambassadors to come first to him alone, and so hearing their charges and intents, it is to be thought he hath instructed them after his pleasure and purpose, before that they came to your presence; contrary to your high commandment by your grace's mouth to him given, and also to other persons, sent to him by your grace.—IX. Also, the said lord cardinal hath practised so, that all manner of letters sent from beyond the sea to your highness have come first to his hands, contrary to your high commandment by your own mouth, and also by others sent to him by your grace; by reason whereof your highness, nor any of your council, had knowledge of no matters, but such as it pleased him to shew them; whereby your highness, and your council have been compelled of very force to follow his devices, which oftentimes were set forth by him under such crafty and covert means, that your highness and your council hath oftentimes been abused. Insomuch, that when your council hath found, and put divers doubts and things which have afterwards ensued, he to abuse them used these words, 'I will lay my head that no such thing shall happen.'—X. Also, the said id. cardinal hath practised that no manner of person, having charge to make espiall of things done beyond the sea, should at their return come first to your grace, nor to any other of your council, but only to himself, and in case they did the contrary, he punished them for so doing.—XI. Also, the said lord cardinal hath granted licence under your great seal for carrying out of grain and other victual, after the restraint hath been made thereof, for his own lucre, and singular advantage of him

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and his servants, for to send thither as he bare secret favour, without your grace's warrant or knowledge thereof.—XII. Also, the said lord cardinal used, many years together, not only to write unto all your ambassadors resident with other princes, in his own name, all advertisements concerning your grace's affairs being in their charge, and in the same his letters wrote many things of his own mind, without your grace's pleasure being known, concealing divers things which had been necessary for them to know, but also caused them to write their advertisements unto him; and of the same letters he used to conceal, for the compassing of his purposes, many things both from all your other counsellors, and from yourself also.—XIII. Also, where good hospitality hath been used to be kept in houses and places of religion of this realm, and many poor people thereby relieved, the said hospitality and relief is now decayed, and not used; and it is commonly reported that the occasion thereof is, because the said lord cardinal hath taken such impositions of the rulers of the said houses, as well for his favour in making of abbots and priors, as for his visitation, by his authority legantine. And yet, nevertheless, taketh yearly of such religious houses, such yearly and continual charges, as they be not able to keep hospitality, as they used to do, which is a great cause that there be so many vagabonds, beggars and thieves.—XIV. Also, where the said lord cardinal said, before the suppression of such houses as he hath suppressed, that the possessions of them should be set to farm among your lay-subjects, after such reasonable yearly rent, as they should well thereupon live, and keep good hospitality: and now the demesne possessions of the said houses, since the suppression of them, hath been surveyed, met and measured by the acre, and be now set above the value of the old rent: and also such as were farmers by covent-seat and copy-holders be put out, and amoved of their farms, or else compelled to pay new fines, contrary to all equity and conscience.—XV. Also, the said lord cardinal, sitting among the lords, and other of your most hon. council, used himself that if any man would shew his mind according to his duty, contrary to the opinion of the said cardinal, he would so take him up with his accustomable words, that they were better to hold their peace than to speak, so that he would hear no man speak but one or two great personages, so that he would have all the words himself, and consumed much time with a fair tale.—XVI. Also, the said lord cardinal, by his ambition and pride, hath hindered and undone many of your poor subjects for want of dispatchment of matters; for he would no man should meddle but himself. Insomuch, that it hath been affirmed by many wise men, that ten of the most wisest and most expert men in England were not sufficient, in convenient time, to order the matters that he would retain to himself; and many times he deferred the ending of matters, because that suitors should attend and wait upon him, whereof he had no small pleasure that his house might be replenished with suitors.—XVII. Also, the said lord cardinal, by his authority legantine, hath used, if any spiritual man having any riches or substance, deceased, he hath taken their goods as his own; by reason whereof their wills be not performed; and one mean he had, to put them in fear that were made executors to refuse to meddle.—XVIII. Also, the said lord cardinal constrained all ordinaries in England yearly to compound with him, or else he will usurp half or the whole of their jurisdiction by prevention, not for good order of the diocese but to extort treasure; for there is never a poor arch-deacon in England, but that he paid yearly to him a portion of his living.—XIX. Also, the said lord cardinal hath not only, by his untrue suggestion to the pope, shamefully slandered many good religious houses, and good virtuous men dwelling in them, but also suppressed by reason thereof above 30 houses of religion; and where, by authority of his bull, he should not suppress any house that had more men of religion in number, above the number of 6 or 7, he hath suppressed divers houses that had above the number; and thereupon hath caused divers offices to be found by verdict, untruly, that the religious persons, so suppressed, had voluntarily forsaken their said houses, which was untrue; and so hath caused open perjury to be committed, to the high displeasure of Almighty God.—XX. Also, the said lord cardinal hath examined divers and many matters in the chancery, after judgment thereof given at the common law, in subversion of your laws; and made some persons restore again to the other party condemned, what they had in execution by virtue of the judgment in the common law.—XXI. Also, the said lord cardinal hath granted many injunctions by writ, and the parties never called thereunto, nor bill put in against them. And, by reason thereof, divers of your subjects have been put from their lawful possession of their lands and tenements. And, by such means, he hath also brought the more party of the suitors of this your realm before himself, whereby he and divers of his servants have gotten much riches, and your subjects suffered great wrongs.—XXII. Also, the said lord cardinal, to augment his great riches, hath caused divers pardons granted by the pope to be suspended, which could not be revived till that the said lord cardinal were rewarded, and also have a yearly pension of the said pardon.—XXIII. Also, the said lord cardinal, not regarding your laws nor justice, of his extort power, hath put out divers and many farmers of his lands, and also patents of the archbishopric of York, and bishopric of Winchester, and of the abbey of st. Albans, which had good and sufficient grant thereof by your laws.—XXIV. Also, the same lord cardinal, at many times when any houses of religion have been void, he hath sent his officers

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thither, and with crafty persuasions hath induced them to compromit their election in him. And that, before ever he named, or confirmed any of them, he and his servants received so much great goods of them, that in manner it hath been to the undoing of the house.—XXV. Also, by his authority legantine, the same lord cardinal hath visited the most part of the religious houses and colleges in this your realm, hath taken of them the 25th part of their livelihood, to the great extortion of your subjects, and derogation of your laws and prerogative, and no law to bear him so to do.—XXVI. Also, when matters have been near at judgment by process at your common law, the same lord cardinal hath not only given and sent injunctions to the parties, but also sent for your judges, and expressly by threats commanding them to defer the judgment, to the evident subversion of your laws, if the judges would so have ceased.—XXVII. Also, whereas neither the bishopric of York nor Winchester, nor the abbey of st. Albans, nor the profit of his legation, nor the benefit of the chancery, nor his great pension out of France, nor his wards, and other inordinate taking could not suffice him, he hath made his son Winter to spend 2700l. by year, which he taketh to his own use, and giveth him not past 200l. yearly to live upon.—XXVIII. Also, where the said lord cardinal did first sue unto your grace to have your assent to be 'Legatus de latere,' he promised and solemnly protested before your maj. and before the lords both spiritual and temporal, that he would nothing do nor attempt by virtue of his legatcy, that should be contrary to your gracious prerogative, or regality, or to the damage or prejudice of the jurisdiction of any ordinary, and that by his legatcy no man should be hurt or offended; and upon that condition, and no other, he was admitted by your grace to be legate within this your realm, which condition he hath broken, as is well known to all your subjects. And when that he made this promise, he was busy in his suit at Rome, to visit all the clergy of England, both exempt and not exempt.—XXIX. Also, upon the suit of the said lord cardinal at Rome to have his authority legantine, he made untrue surmise to the pope's holiness against the clergy of your realm, which was, that the regular persons of the said clergy had given themselves in 'reprobum sensum;' which words st. Paul writing to the Romans applied to abominable sin: which slander to your church of England shall for ever remain in the register at Rome against the clergy of this your realm.—XXX. Also, the said lord cardinal had the more part of the goods of dr. Smith, late bp. of Lincoln, bp. Savage of York, Mr. Dalby, arch-deacon of Richmond, Mr. Tonyers, Dr. Rothall, late bp. of Durham, and of Dr. Fox, late bp. of Winchester, contrary to their wills, and your laws and justice.—XXXI. Also at the oyer and terminer at York, proclamation was made, that every man should put in their bills for extortion of ordinaries, and when divers bills were put in against the officers of the said lord cardinal, of extortion, for taking 12d. of the pound for probation of testaments, whereof divers bills were found before justice Fitzherbert and other commissioners, the same lord cardinal removed the same indictments into the chancery by certiorari, and rebuked the same indictment for the same cause.—XXXII. Also, the said lord cardinal hath busied, and endeavoured himself by crafty and untrue tales, to make dissention and debate amongst your nobles of your realm, which is ready to be proved.—XXXIII. Also the said lord cardinal's officers have divers times compelled your subjects to serve him with carts for carriage. And also his servants have taken both corn and cattle, fish, and all other victuals at your grace's price, or under, as though it had been for your grace, which is contrary to the laws.—XXXIV. Also, the said lord cardinal hath misused himself in your most hon. court, in keeping of as great estate there in your absence, as your grace would have done, if you had been there present in your own person.—XXXV. Also his servants, by virtue of your commission under your broad seal by him to them given, have taken cattle, and all other victuals at as low price as your purveyors have done for your grace by your prerogative, against the laws of your realm.—XXXVI. Also, where it hath been accustomed that your purveyors for your hon. household have had yearly out of your town and liberty of st. Alban's, 3 or 400 quarters of wheat. Truth it is, that since the lord cardinal had the room of abbot there, your said purveyors could not be suffered by him and his officers to take any wheat within the said town or liberties.—XXXVII. Also he hath divers times given injunction to your servants that have been for causes before him in the Star-Chamber, that they, nor other for them, should make labour, by any manner of way, directly or indirectly, to your grace, to obtain your gracious favour or pardon, which was a presumptuous intent for any subject.—XXXVIII. Also the said lord cardinal did call before him sir John Stanley, knt. which had taken a farm by covent-seal of the abbot and convent of Chester, and afterwards by his power and might, contrary to right, committed the said sir John Stanley to the prison of Fleet, by the space of an year, unto such time as he compelled the said sir John to release his covent-seal to one Legbe of Adlington, which married one Larke's daughter, which woman the said lord cardinal kept, and had with her two children. Thereupon the said sir John Stanley, upon displeasure taken in his heart, made himself monk in Westminster, and there died.—XXXIX. Also on a time your grace being at st. Alban's, according to the ancient custom used within your verge, your clerk of the market doing his office, did present unto your officers of your most hon. household, the prices of all manner of victuals, within the



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precinct of the verge; and it was commanded by your said officers to set up the said prices both on the gates of your hon. household, and also in the market-place within the town of st. Alban's, as of ancient custom it hath been used; and the lord cardinal hearing the same, presumptuously, and not like a subject, caused the foresaid prices, which were sealed with your grace's seal, accustomably used for the same, to be taken off, and pulled down in the said market-place, where they were set up, and in the same place set up his own prices, sealed with his seal, and would if it had not been letted, in semblable manner, used your seal standing upon your grace's gates, and also would of his presumptuous mind have openly set in the stocks within your said town your clerk of your market. By which presumption and usurpation your grace may perceive, that in his heart he hath reputed himself to be equal with your royal maj.—XL. Also the said lord cardinal, of his further pompous and presumptuous mind, hath enterprised to join and imprint the cardinal's hat under your arms in your coin of groats, made at your city of York, which like deed hath not been seen to have been done by any subject within your realm before this time.—XLI. Also, where one sir Edw. Jones, clerk, parson of Crowley in the county of Buckingham, in the 18th of your most noble reign, let his said parsonage, with all tythes, and other profits of the same, to one Wm. Johnson, by indenture for certain years, within which years the dean of the said lord cardinal's college in Oxford pretended title to a certain portion of tythes within the said parsonage, supposing the said portion to belong to the parsonage of Chichelley, which was appropriated to the priory of Tykeford, lately suppressed; where, of truth, the parsons of Crowley have been peaceably possessed of the said portion time out of mind: whereupon a subpœna was directed to the said Johnson, to appear before the said lord cardinal at Hampton Court; where, without any bill, the said lord cardinal committed him to the Fleet, where he remained by the space of 12 weeks, because he would not depart with the said portion; and, at the last, upon a recognizance made, that he should appear before the said lord cardinal wheresoever he was commanded, he was delivered out of the Fleet. Howbeit, as yet the said portion is so kept from him, that he dare not deal with it.—XLII. Also, where one Martin Docowra had a lease of the manor of Balsall, in the county of Warwick, for a term of certain years, an injunction came to him out of the chancery, by writ, upon pain of 1000l. that he should avoid the possession of the same manor, and suffer sir George Throgmorton, knt. to take the profits of the same manor, to the time the matter depending in the chancery, between the lord of st. John's and the said Docowra, were discussed; and yet the said Docowra never made answer in the chancery, nor ever was called into the chancery for that matter. And now of late he hath received the like injunction, upon pain of 2000l. contrary to the course of the common law.—XLIII. Also, whereas in the parl. chamber, and in open parl. communication and devices were had and moved, wherein mention was, by an incident, made of matters touching heresies, and erroneous sects, it was spoken, and reported by one bp. there being present, and confirmed by a good number of the same bps. in presence of all the lords spiritual and temporal, then assembled, that two of the said bps. were minded and desired to repair unto the university of Cambridge, for examination, reformation, and correction of such errors as then seemed, and were reported to reign amongst the students and scholars of the same, as well touching the Lutheran sect and opinions, as otherwise; the lord cardinal, informed of the good minds and intents of the said two bps. in that behalf, expressly inhibited and commanded them in no wise so to do. By means whereof the same errors (as they affirmed) crept more abroad, and took greater place; saying furthermore, that it was not in their defaults that the said heresies were not punished, but in the said lord cardinal; and that it was no reason any blame or lack should be arrected unto them for his offence. Whereby it evidently appeareth that the said lord cardinal, besides all other heinous offences, hath been the impeacher and disturber of due and direct correction of heresies; being highly to the danger and peril of the whole body, and good Christian people of this your realm.—XLIV. Finally, for as much as by the foresaid articles is evidently declared to your most royal maj. that the lord cardinal, by his outrageous pride, hath greatly shadowed a long season your grace's honour, which is most highly to be regarded; and by his insatiable avarice and ravenous appetite to have riches and treasure without measure, hath so grievously oppressed your poor subjects, with so manifold crafts of bribery and extortion, that the commonwealth of this your grace's realm is thereby greatly decayed and impoverished: and also by his cruelty, iniquity, affection, and partiality, hath subverted the due course and order of your grace's laws, to the undoing of a great number of your loving people. Please it your royal maj. therefore, of your excellent goodness towards the weale of this your realm, and subjects of the same, to set such order and direction upon the said lord cardinal, as may be to the terrible example of others to beware so to offend your grace, and your laws hereafter. And that he be so provided for, that he never have any power, jurisdiction, or authority hereafter, to trouble, vex, and impoverish the commonwealth of this your realm, as he hath done heretofore, to the great hurt and damage of every man almost, high and low. Which for your grace so doing, will daily pray, as their duty is, to Almighty God, for the prosperous estate of your most royal maj. long to indure in honour, and good health, to the pleasure of God, and your heart's most desire.

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Subscribed the 1st of Dec. the 21st year of the reign of Henry VIII. T. More, T. Norfolke, Chas. Suffolke, Tho. Dorset, H. Exeter, G. Shrewsbury, R. Fitzwalter, Jo. Oxynford, H. Northumberland, T. D'Arcy, T. Rochford, W. Mountjoy, W. Sandys, W. Fitzwilliam, H. Guldeford, Anth. Fitzherbert, John Fitz-James." These last were the two lord chief justices at that time.

It appears by the names of the lords who signed these Articles, that they were drawn up by a committee, appointed for that purpose. And being read and agreed to by the whole house, they were first presented to the king, and then a copy of them was sent down to the lower house, for their perusal and approbation. But, amongst the Commons, the Cardinal's cause was so well defended by his secretary, Cromwell, then a member, that he absolutely cleared his master from any charge of treason, and he was fully acquitted thereof." From this honest beginning," says lord Herbert, " Tho. Cromwell, dated his future reputation." But though the Cardinal escaped this blow, he never was re-instated in the king's favour. And, as his enemies took every opportunity to destroy him, they at length prevailed upon the king to cause him to be arrested, at his castle of Cawood, and brought up to London for another trial. But a superior summons, to a much higher tribunal, took him at Leicester, where he died, Nov. 28, 1530, with these remarkable words in his mouth; " If I had served my God with half the zeal that I have served my king, he would not in my grey hairs have thus forsaken me!"

*Luther's doctrine gains ground.*] Before the cardinal died, the pope's supremacy in England began to lose ground; and Clement VII. having absolutely denied to confirm the Divorce, Henry in his turn resolved to enquire what authority the pope had in his dominions. And, as it seems to us, the same parl. that made the above stroke at cardinal Wolsey, carried it still farther against the papal authority. Luther's doctrine was now secretly admitted into many places of the kingdom, with much approbation; and gave such impressions, that even the most ignorant began to examine, whether the errors then ordinarily controverted did belong to the doctrine, or to the govt. of the church. And this alone, says lord Herbert, as it was the first step, so was it a great and bold sally towards that Reformation which afterwards followed.

*Bills for reforming the Abuses of the Clergy.*] Many abuses which the laity received daily from the clergy were loudly complained of; and the king, being now willing that they should be strictly enquired into, referred the redress thereof to the commons in this parl. Complaints also being made in that house against exactions for probats of testimonies and mortuaries; for pluralities, non-residence, and against priests that were farmers of lands, tanners, wool-buyers, &c. the spirituality were much offended at these proceedings; and, when the bills for regulating these exorbitances were brought before the house of lords, John Fisher, bp. of Rochester, made a remarkable speech against them, of which the following is a copy, as it is printed in a small treatise on the life and death of that prelate, by dr. Thos. Bailey.

" My lords, here are certain bills exhibited against the Clergy, wherein there are complaints made against the viciousness, idleness, rapacity, and cruelty of bps, abbots, priests, and their officials. But, my lords, are all vicious, all idle, all ravenous and cruel priests or bishops? And for such as are such, are there not laws provided already against such? Is there any abuse that we do not seek to rectify? Or can there be such a rectification as that there shall be no abuses? Or are not clergymen to rectify the abuses of the clergy? Or shall men find fault with other mens' manners while they forget their own; and punish where they have no authority to correct? If we be not executive in our laws, let each man suffer for his delinquency; or, if we have not power, aid us with your assistance, and we shall give you thanks. But, my lords, I hear there is a motion made, that the small monasteries should be given up into the king's hands, which makes me fear that it is not so much the good as the goods of the church that is looked after. Truly, my lords, how this may sound in your ears I cannot tell, but to me it appears no otherwise, than as if our holy mother the church were to become a bondmaid, and now brought into servility and thraldom; and by little and little to be quite banished out of those dwelling-places, which the piety and liberality of our forefathers, as most bounful benefactors, have conferred upon her. Otherwise, to what tendeth these portentous and curious petitions from the commons? To no other intent or purpose, but to bring the clergy in contempt with the laity, that they may seize their patrimony. But, my lords, beware of yourselves and your country; beware of your holy mother the Catholic church; the people are subject to novelties, and Lutheranism spreads itself amongst us. Remember Germany and Bohemia, what miseries are befallen them already; and let our neighbours' houses that are now on fire teach us to beware of our own disasters. Wherefore, my lords, I will tell you plainly what I think; that, except ye resist manfully, by your authorities, this violent heap of mischiefs offered by the commons, you shall see all obedience first drawn from the clergy, and secondly from yourselves; and if you search into the true causes of all these mischiefs which reign amongst them, you shall find that they all arise through want of faith."

The same authority tells us, that this speech pleased or displeased several of the house of lords, as they were diversely inclined to forward or flatter the king's designs. But none made a reply to it, but only the duke of Norfolk, who said to the bishop, " my lord of Ro-

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chester, many of these words might have been well spared; but I wist it is often seen that the greatest clerks are not always the wisest men." To which the bp. replied, "my lord, I do not remember any fools in my time that ever proved great clerks."

When the commons heard of this speech, they conceived so great indignation against the bp. that they immediately sent their Speaker, Audley, attended with a number of the members, to complain of it to the king; and to let his maj. know, "how grievously they thought themselves injured thereby, for charging them with lack of faith, as if they had been infidels or heretics," &c. To satisfy the commons, the king sent for the bp. of Rochester, and demanded of him why he spoke in such a manner? The prelate answered, "that being in parl. he spake his mind freely in defence of the church, which he saw daily injured and oppressed by the common people, whose office it was, not to judge of her manners, much less to reform them. And therefore he said he thought himself in conscience bound to defend her in all that lay within his power." However, the king advised him, "to use his words more temperately another time."

But the injury the Commons thought they had received, by this reflection, was not so easily digested; for, one of the members making use of the gospel doctrine so far, says lord Herbert, as to take a reasonable liberty to judge of things; and being piqued at the bp. for laying it all on 'want of faith,' stood up in that house and spoke to this effect (*a*):—

"Mr. Speaker—If none else but the bp. of Rochester or his adherents did hold this language, it would less trouble me. But since so many religious and different sects, now conspicuous in the whole world, do not only vindicate unto themselves the name of the true church, but labour betwixt invitations and threats for nothing more than to make us resign our faith to a simple obedience; I shall crave leave to propose, what I think fit in this case for us laiques and secular persons to do. Not that I will make my opinion any rule to others when any better expedient shall be offered, but that I would be glad we considered hereof, as the greatest affair that doth or may concern us. For if in all human actions it be hard to find that medium or even temper which may keep us from declining into extremes, it will be much more difficult in religious worship; both as the path is supposed narrower, and the precipices more dangerous on every side. And because each man is created by God a free citizen of the world, and obliged to nothing so much as the inquiry of those means by which he may attain his everlasting happiness, it will be fit to examine to whose tuition and conduct he commit himself. For as several teachers, not only differing in language, habit, and ceremony, or at least in some of these, but peremptory and opposite in their doctrines, present themselves, much circumspection must be used. Here then taking his prospect, he shall find these guides directing him to several ways, whereof the 1st yet extends no further than to the laws and religions of each man's native soil or diocese, without passing those bounds. The 2nd, reaching much further, branches itself into that diversity of religions and philosophies, that not only are, but have been extant in former times, until he be able to determine which is best. But in either of these, no little difficulties will occur. For, if each man ought to be secure of all that is taught at home, without enquiring further, how can he answer his conscience? When looking abroad, the terrors of everlasting damnation shall be denounced on him, by the several hierarchies and visible churches of the world, if he believe any doctrine but theirs. And that, amongst these again, such able and understanding persons may be found, as in all other affairs will equal his teachers. Will it be fit that he believe God hath inspired his own church and religion only, and deserted the rest; when yet mankind is so much of one offspring, that it hath not only the same 'Pater communis' in God, but is come all from the same carnal ancestors? Shall each man, without more examination, believe his priests in what religion soever; and when he hath done, call their doctrine his faith? On the other side, if he must argue controversies before he can be satisfied, how much leisure must he obtain? How much wealth and substance must he consume? How many languages must he learn? And how many authors must he read? How many ages must he look into? How many faiths must he examine? How many expositions must he confer, and how many contradictions reconcile? How many countries must he wander into, and how many dangers must he run? Briefly, would not our life on these terms be a perpetual peregrination; while each man posted into the other's country to learn the way to heaven, without yet that he could say at last he had known or tried all? What remains then to be done? Must he take all that each priest, upon pretence of inspiration, would teach him, because it might be so; or, may he leave all because it might be otherwise? Certainly, to embrace all religions, according to their various and repugnant rites, tenets, traditions, and faiths, is impossible, when yet in one age it were not possible, after incredible pains and expences, to learn out and number them. On the other side, to reject all religions indifferently is as impious, there being no nation that in some kind or other doth not worship God; so that there will be a necessity to distinguish. Not yet that any man will be able, upon comparison, to discern which is the perfectest, among the many professed in the whole world; each of them being of that large extent, that no man's understanding will serve to com-

(*a*) Lord Herbert has not given us the name of this speaker. Hall says, he was a gentleman of Gray's-inn.

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prehend it in its uttermost latitude and signification. But, at least, that every man might vindicate and sever in his particular religion, the more essential and demonstrative parts from the rest, without being moved so much at the threats and promises of any other religion that would make him obnoxious, as to depart from this way: there being no ordinary method so intelligible, ready, and compendious, for conducting each man to his desired end. Having thus therefore recollected himself, and together implored the assistance of that supreme God whom all nations acknowledge, he must labour in the next place to find out what inward means his Providence hath delivered, to discern the true not only from the false, but even from the likely and possible; each of them requiring a peculiar scrutiny and consideration. Neither shall he fly thus to particular reason, which may soon lead him to heresy; but after a due separation of the more doubtful and controverted parts, shall hold himself to common, authentic, and universal truths, and consequently inform himself, what in the several articles proposed to him is so taught, as it is first written in the heart, and together delivered in all the laws and religions he can hear of in the whole world: this certainly can never deceive him; since therein he shall find out how far the impressions of God's wisdom and goodness are extant in all mankind, and to what degrees his universal Providence hath dilated itself; while thus ascending to God by the same steps he descends to us, he cannot fail to encounter the divine majesty. Neither ought it to trouble him if he find these truths variously complicated with difficulties or errors; since, without insisting on more points than what are clearly agreed on every side, it will be his part to reduce them into method and order; which also is not hard, they being but few, and apt for connection: so that it will concern our several teachers to imitate us in this doctrine, before they come to any particular direction; lest otherwise they do like those who would persuade us to renounce day-light to study only by their candle. It will be worth the labour, assuredly, to enquire how far these universal notions will guide us, before we commit ourselves to any of their abstruse and scholastic mysteries, or supernatural and private revelations. Not yet but that they also may challenge a just place in our belief, when they are delivered upon warrantable testimony; but that they cannot be understood as so indifferent and infallible principles for the instruction of all mankind.—Thus, among many supposed inferior and questionable deities, worshipped in the 4 quarters of the world, we shall find one chief so taught us, as above others to be highly reverenced.—Among many rites, ceremonies, volumes, &c. delivered us as instruments or parts of his worship, he shall find virtue so eminent, as it alone concludes and sums up the rest. Insomuch as there is no sacrament which is not finally resolved into it; good life, charity, faith in and love of God, being such necessary and essential parts of religion, that all the rest are finally closed and determined in them.—Among the many expiations, lustrations, and propitiations for our sins, taught in the several quarters of the world in sundry times, we shall find that none doth avail without hearty sorrow for our sins, and a true repentance towards God, whom we have offended.—And lastly, amidst the divers places and manners of reward and punishment, which former ages have delivered, we shall find God's justice and mercy not so limited, but that he can extend either of them even beyond death, and consequently recompence or chastise eternally. These, therefore, as universal and undoubted truths, should, in my opinion, be first received: they will at least keep us from impiety and atheism, and together lay a foundation for God's service and the hope of a better life. Besides, it will reduce men's minds from uncertain and controverted points to a solid practice of virtue; or when we fall from it, to an unfeigned repentance and purpose through God's grace to amend our sinful life; without making pardon so easy, cheap, or mercenary, as some of them do. Lastly, it will dispose us to a general concord and peace; for when we are agreed concerning these eternal causes and means of our salvation, why should we so much differ for the rest? Since as these principles exclude nothing of faith or tradition, in what age or manner soever it intervened; each nation may be permitted the belief of any pious miracle that conduceth to God's glory; without that, on this occasion, we need to scandalize or offend each other. The common truths in religion, formerly mentioned, being firmer bonds of unity, than that any thing emergent out of traditions, whether written or unwritten, should dissolve them. Let us therefore establish and fix these catholic or universal notions; they will not hinder us to believe whatsoever else is faithfully taught upon the authority of the church. So that whether the eastern, western, northern, or southern teachers, &c. and particularly whether my lord of Rochester, Luther, Eccius, Zuinglius, Erasmus, Melancthon, &c. be in the right, we laicks may so build upon these catholic and infallible grounds of religion, as whatsoever superstructures of faith be raised, these foundations yet may support them."

*Reformation on foot.*] This speech was differently taken also by those who were still friends or enemies to the church of Rome. However, the majority being of the latter opinion, a Reformation in Religion was resolved upon, as far as was consistent with the established laws of the kingdom. These things, says Hall, against the power of the Clergy, before this time, durst not be attempted or even talked of, unless a man would run the hazard of being judged an heretic, and lose all that he had. For, as the bps. were always chancellors, and had the sole rule about the king, no man durst presume to attempt any thing contrary to their wills and advantage. But

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now an act was made to settle the Fees for Probats of Wills, and for Mortuaries. Moreover, spiritual persons were abridged from taking of farms, and from pluralities of livings, unless they were qualified by certain university degrees, or by the nobility, to whom a competent number of chaplains were assigned. Non-residence also then very usual, was forbidden, except in some cases; the rest explained and interpreted.

*The King's Debts.*] There was another bill passed in this parl. bearing in its preamble the highest flattery of the great things the king had done for the church and nation, in which he had been at vast expences: that divers of his subjects had lent great sums of money, which had been all well employed in the public service; and whereas the lenders had security for the payment, the parl. did offer all these sums, so lent to the king, and discharged him of all the obligations or assignments made for their payment, and of all suits that might arise thereupon.—To qualify this proceeding, the king thought fit to grant a free pardon to his subjects for all offences, some capital ones excepted. And, to keep the Clergy still under the rod, all transgressions against the statute of Præmunire, &c. were excepted, which fell upon them severely afterwards.

*Letter from the Parl. to the Pope in favour of Q. Catherine's Divorce.*] Bp. Burnet observes, that there had been great industry used in managing elections for this parl.; and they were so successful in returning such members as the king wanted, that he was resolved to continue them, till they had done his work; both in the affair of the Divorce, and the business of the Reformation. Some of the spirituality also ran on with the stream, not knowing then where it would carry them; a plain instance of this is their joining with the temporal lords and commons, in a Letter or Declaration to the Pope, under their hands and seals, concerning abuses in the church. It was the first thing they went upon, at their next meeting in parl. which happened according to prorogation, July 30, 1530. The Letter itself, as taken from the Records, is preserved by lord Herbert, with the pope's Answer to it in the original language. Bishop Kennet, in his edition of that book, has given us the following translation of them:—

"Most blessed father; although the cause concerning the Marriage of the most invincible prince our sovereign lord the king of England and France, does for sundry great and weighty reasons of itself, require and demand your holiness's assistance, that it may be brought to that speedy end and determination, which we with so great and earnest desires have wished; and with so very great, though very vain expectations, have long looked for from your holiness: we could not nevertheless prevail with ourselves to keep silence herein any longer, especially since our kingdom and the affairs thereof suffer so much, and are brought into so great danger through the unseasonable delay of sentence herein: so that since his maj. our head, and by consequence the life of us all, and we in his words, as subject-members, by a just union annexed to the head, have with great earnestness prayed your holiness, but prayed in vain, we are by the greatness of our grief, forced separately and distinctly by these our letters, most humbly to intreat your speedy determination hereof. The justice of the cause itself, approved of by the opinions of the most learned men every where, and determined by the decrees of the most famous universities in the world, and esteemed and judged most righteous by all persons either in England, France or Italy, who are most eminent for their learning, might so far prevail, as that your holiness, though no body intreated it, nay, though some opposed it, should with your own voice and authority, confirm that sentence which has so universally been pronounced just; especially when your determination of this cause is a piece of justice done to that king and kingdom, which upon so many several accounts have deserved well of the apostolical see. Although intreaties to you herein seem not to be necessary, however we make them, as persons overborn with troubles, who indulge their grief, and frequently pour forth repeated and unnecessary prayers: but since your holiness is not to be prevailed upon, either by the justice of the cause, the remembrance of the good services you have always found, or by the earnest and continued requests of the best of princes, to do that which might be expected from your paternal love and affection alone, our grief is by the remembrance of our miseries and calamities increased to that immense degree, that it overspreads the whole body of the realm, and gives a voice of complaint to each member of it, forcing them both by their words, and in their letters, to lay before your holiness this their insupportable grievance. For how great a misfortune is it, that what our own two universities, the university of Paris, as well as many others in France, what almost all men of learning, knowledge and integrity, both at home and abroad have determined and affirmed to be true, and the truth of which they are ready to defend and support both in their discourses and writings; yet cannot a confirmation of this so universally acknowledged truth, be obtained from the holy apostolical see by that prince, by whose support and assistance that see still keeps and preserves its authority, which has been shaken and undermined by so many, and so powerful adversaries; till he withstood and opposed their designs partly by his sword, partly by his pen, at other times by his commands and authority, supporting that power and authority of the church from whence others are enabled to obtain those mighty advantages from which he now finds himself only excluded. What answer can be made hereto we see not; and yet we see that from hence a flood of miseries is flowing in upon the commonwealth, and a

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sort of deluge of calamities overwhelming us, from the disputes about succession; which will soon overtake us, never to be settled without infinite slaughter and effusion of blood. We now have a king most eminent for his virtues, seated upon the throne of his ancestors, by right undoubted and unquestionable, who would entail lasting peace and uninterrupted tranquillity on his realms, if he leaves a son to succeed him from lawful and true marriage; nor will that be possible, unless your holiness will by your authority, pronounce the same sentence concerning his former marriage, which so many learned men have already delivered. But if your holiness, whom we justly call our father, shall, by refusing to comply herein, esteem us as cast-a-ways, and resolved to leave us orphans, we can make no other construction of it, but that the care of ourselves is committed to our own hands, and that we are left to seek our remedy elsewhere. But that we may never be driven to these extremities, we beg your holiness without delay, or farther loss of time, to assist these his maj.'s most just and reasonable desires; we most earnestly intreat a confirmation of the judgment of these most learned men, humbly imploring, that for the sake of that mutual love, and that paternal affection which your pastoral office requires you to shew us, not to shut up your bowels of pity and compassion against us, your most dutiful, most loving, most obedient sons. The case of his most sacred maj. is the case of us all; since the head cannot suffer, but the members must bear a part; the grief arising herefrom, and the injury suffered hereby, does equally affect us, who bear our proportion of all his maj.'s afflictions; the remedy of which, as it must proceed wholly from your holiness's power, so is it a duty necessarily arising from your paternal authority and affection: which remedy, if your holiness shall refuse or delay to grant, our condition will indeed herein be more miserable, that so long we have fruitlessly and in vain sought redress, but it will not be wholly desperate, since it is possible to find relief some other way. Desperate remedies indeed are not without extremity to be applied; but he that is sick will by any means get rid of his distemper: in the change of our miseries there is some comfort, when if we cannot obtain perfect relief, yet we may change our condition for that which is less afflicting, and more tolerable. That your holiness would be pleased to take these things into your most serious consideration, we do again and again beseech you for our lord Jesus Christ's sake, whose vicar on earth you stile yourself; and that you would now conform your actions to that title, by pronouncing your sentence to the glory and praise of God, and thereby giving your testimony and sanction to that truth, which has been examined, approved, and after much deliberation confirmed by the most learned men of all nations. In the mean time we will beseech God, whom we infallibly know to be truth, that he would vouchsafe so to inform and direct your holiness's deliberations herein, that having by your holiness's authority a confirmation of what is just, righteous and true, we may therein rest satisfied, and be free from the trouble of seeking to attain this end by other means."

Signed by

*1. Archbishops.*
Thomas cardinal of York
Wm. of Canterbury.

*2. Dukes.*
Thos. of Norfolk
Charles of Suffolk

*3. Marquesses.*
T. of Dorset
H. of Exeter

*4. Earls.*
Wm. of Arundel
Jo. of Oxford
H. of Northumberland
Ralph of Westmoreland
George of Shrewsbury
Henry of Essex
Edward of Derby
H. of Worcester
Thomas of Rutland
Henry of Cumberland
Robert of Sussex
George of Huntington
G. of Kildare

*5. Bishops.*
Robert of Cirencester
John of Carlisle
John of Lincoln
Richard of St. David's

*6. Barons.*
Henry Montague
G. Rochford
Wm. Weston
E. Abergavenny
J. Audley
Henry Scroope
Thos. Dacres
Thos. La Ware
Wm. Dacre
Thos. Barkley
Henry Morley
George Cobham
Richard Latimer
Edward Stourton
Jo. Fitzwarren
Jo. Semers
Jo. Lumley
Wm. Mountjoy
Christopher Conyers
Henry Daubeney
T. Darcy
T. Monteagle
Wm. Sandys
Jo. Husey
Andrew Windsor

*7. Abbots.*
Jo. of Westminster
Jo. of Bury St. Edmund
Rich. of Gastonbury
William of Gloucester
Thomas of Abingdon
Hugh of Reading
Edward of York
Jo. of Peterborough
Jo. of Ramsey
Jo. of Croyland
Ro. of Thorney
Ro. of Selby
Ro. of Selby
Wm. of Bardney
Wm. of St. Bennet de Hulme
Thos. of St. John by Colchester
Jo. of Hyde
Clement of Evesham
Richard of Malmsbury
Rd. of Winchelcomb
Robert of St. Crux of Waltham
Jo. of Cirencester
Henry of Tewksbury

*8. Knights and Doctors in Parliament.*
William Fitzwilliams
Henry Guildford
Stephen Gardiner
Jo. Gage
William Kingston
Bryan Tuke
Richard Sacheverell
Richard Sampson
Edward Lee
Richard Woolman
Jo. Bettat.

To which Clement returned this Answer.

"To our venerable brethren the abps. and bps. and to our beloved sons the abbots, noblemen, dukes, marquesses, earls, barons, knights and doctors assembled together in parl. in England: Clement VII. pope:

"Venerable brothers and beloved sons, health be to you, and apostolical benediction. There are many expressions in your letter, bearing date July 13, which we received some days ago, which we could not have thought well of, did we not wholly impute them to the great duty and tender affection which you bear to

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our most dear son in Christ your king. We shall therefore, without taking those things amiss, sedately answer your letter, that you may thereby learn with how little reason you have complained of us, and that your private duty and affection to your king, ought not to extend so far, as to justify your accusing us of two grievous offences, ingratitude to his highness, and denial of justice. We do acknowledge that your king has deserved all that your letter mentions; nay, even much more, that the remembrance of his many meritorious actions towards the apostolical see, will not only live fresh in our memories, but be transmitted down to latest posterity. We cannot but own likewise, that not only with respect to our office and character in the church, but also in our own private person, we owe so much to his highness's affection, as we shall scarce ever be able to recompence. As to what relates to the controversy concerning the marriage between his highness and queen Catherine, we have been so far from disappointing the king's expectation therein by denying him justice, that we have even laid under the censure of the other party, and have been thought partial, and too much inclined to favour his majesty's desires herein. But to give you a more undeniable proof of our constant affection to your king, it will be necessary to mention what has some time since passed: when first, about 3 years since, his maj.'s ambassadors laid this cause before us, we committed it to the determination of our beloved sons Thos. abp. of York our legate in England, cardinal Sanctæ Cæciliæ, and Laurence Campejus, cardinal Sanctæ Mariæ trans Tiberim our legate de latere, who were both in your kingdom, and upon the spot to examine into the matter; whereby, as far as we are able, we satisfied his highness' desires. But when the queen began to suspect them as partial judges, and on the account of some grievances she had imposed on her by the said legates, had appealed from them to the apostolical tribunal, and had on her part appointed proctors to prosecute the said appeal at Rome, even then our great inclination to his maj.'s service was sufficiently evidenced. For although we could not in this cause deny the queen a commission of appeal, yet seeking rather that this controversy might be finished by the agreeable methods of peace and concord, than by course of law, we framed several delays in granting our commission of appeal in the said cause, under pretence that this being a cause of the highest nature, must therefore be brought before the consistory. After this we held frequent consultation with our most venerable brethren their eminences the cardinals, whereby this affair was still farther put off; till at length by the unanimous vote of all the cardinals it was concluded, that a commission of appeal in this cause could not be refused. It was therefore appointed to be examined, heard, and in the said consistory by us to be finally determined. Since which no lawful protor has appeared on the king's part, to set forth his maj. pretensions either in writing, or by word of mouth, from whence it is that this cause could not receive its determination. Since it must be decided according to what is alledged, and by witnesses proved; not according to favour and affection. There is therefore no reason why this deferring our sentence of determination, of which you complain, should be ascribed to us; and your complaint herein seems to us the more strange, because his maj. ambassadors in several places, particularly at Bononia, did request and solicit this delay of sentence from us, contrary to the inclination and demand of the queen's proctors herein. Since therefore we have no ways hindered this cause from being determined, after mature examination, and due consideration of all the circumstances of it, we see not on what reasons these your complaints are grounded; unless you will venture to say, that the services which his maj. has shewn us and the apostolical see are such, that the cause should be determined in his favour, without regard had either to right or justice; for that must be the meaning of your words, when you say that sentence ought to be given by us, though no body intreated it, nay, though some opposed it in this case, which has been adjudged just by all the learned in England, France and Italy, and by the decrees of so many universities: which words to us seem not to proceed from your usual prudence and modesty; since we see not with what reason you can desire, that we should in a cause of the greatest moment give sentence, though none intreated it, nay, though some opposed it; when on the other side is alledged the great scandal and offence that all christians would take, at a sentence of Divorce from a Marriage which has continued so many years, which was contracted by dispensation from the holy see, at the request of his most excellent majesty Henry VII. and the most catholic king Ferdinand; from whence the queen has had so many children born, and still has a daughter living; contrary to the opinion of several doctors (which you urge also on your behalf) and those very learned and grave men, and who confirm their judgment both by the laws of God, and by arguments taken not only from the Latins, but likewise derived from the Jewish law: notwithstanding all which we kept ourselves unbiassed, inclined to favour neither side, but to hear both, looking on this most extraordinary cause, not only to concern the whole christian world, but also to belong to all posterity. As for the opinions of learned men, and the decrees of universities, which you mention, few of them have come to our notice, shewn us not in proper form by your ambassadors, nor in the name of the king exhibited; and those were but bare opinions of those men, alledging no reasons for their determinations, nor supporting them by any authority from scripture, or the canons, which herein ought only to prevail. Wherefore, to demand that we should rashly, and

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without due consideration, determine any thing herein in his maj.'s favour, is a thing neither righteous in itself, nor agreeable to your wisdom. For although we owe much to his highness, yet in executing judgment we must necessarily much more regard him, by whom kings reign, and princes decree justice; and further, it is the duty of a good father, to take care that by over fondness he do not too much indulge his children: besides, we should not only entangle our own, but also his highness's conscience, by such an hasty and inconsiderate sentence, which, if thus unduly given, would by its dangerous example, greatly damage the whole christian world. As for that deluge of calamities, which you fear is impending over your kingdom, sure it were much more to be feared, if we should rashly hasten that sentence which ought calmly to proceed in the straight way of justice and reason; thereby violating both our own duty, and departing from the rules of justice through too great favour and affection to your king. You cannot with more earnest desire wish his maj. a son, than we do, and that not only his highness, but all christian princes had sons like so great a king, the inheriters not only of their realms, but of such princely virtues; but we are not in the stead of God, that we can give children. As to what you say, that we are unwilling to confirm, by our authority, a truth concerning the former marriage, which by so many learned men in the kingdom is agreed upon; we are truly willing to gratify his highness in all things, wherein we are able by our authority, but then our ability cannot extend to those things which will destroy that authority, as it would if we should judicially give sentence contrary to the due course of law in any thing. As for what you mention in the end of your letter, that unless we grant your request herein, you shall imagine that the care of yourselves is remitted into your own hands, and that you are left at liberty to seek remedy herein elsewhere; this is a resolution neither worthy of your prudence, nor becoming your christianity: and we do therefore of our fatherly love, exhort you to abstain from any such rash attempt: though it would be no fault of the physician, if the patient weary of his distemper, should rashly and unadvisedly venture upon measures destructive to his health; we indeed never denied you such remedies as might with safety be given, and with advantage received; for 'who is weak, and I am not weak; who is offended, and I burn not? I write not these things to shame you, but as my beloved sons I warn you.' We cannot imagine that his maj. on whose account you write, can approve your writing in this manner; for we know, and are so fully acquainted with his honour and integrity, that we are assured he would not accept of any thing that is unjust, although it were offered him; and although your intercession is in all cases of great power and prevalence with us, yet is our love and affection to his highness such, as to need neither the intreaty nor solicitation of any persons whatever to influence or quicken it; and as we never remember that his highness has ever yet made his request to us, and received a denial, where it could be granted with safety to our own, and the honour of the apostolical see; so we shall always shew him the same regard and good will. Lastly, As to the present cause, we shall give no hindrance or delay to its decision, so that when it is ready for examination, and all the circumstances of it have been heard, it shall be brought to a speedy determination and final conclusion; being earnestly desirous to free your king and queen, and our ownselves from this most troublesome affair. But this we must desire of his highness, and of your goodness, that you would not require more from us, by reason of his maj.'s great deservings of us, than we can without offending God perform; and then you may assure yourselves of all the good offices which can be expected from us, considering the person and office we bear, and the justice we are indispensably bound to administer. Given at st. Peter's, Rome, under the seal of the fisherman, Sept. 27, 1530, in the 7th year of our Pontificate."

This answer had very little effect on the minds of those who were before resolved to abrogate the pope's supremacy in England, and strip the church of its overgrown possessions. We read of no other business done at this session than the writing and sending the letter to the pope; and it was not till Jan. 1531, that any statutes were made for the general good of the nation.

*Debate on the King's Pardon.*] On the 6th of which month, being again assembled, the first thing we find was, that a pardon for all spiritual persons, signed by the king's own hand, was sent to the lords, who, in a short time after, passed the bill, and sent it to the commons. When it was read in that house, many froward persons, says Hall, would in no wise consent to vote for the bill, unless that all men might be included in the pardon; arguing, that every man who had any thing to do with the cardinal were in the same case. To this it was answered, by the wiser sort, that they would not compel the king to give them his pardon; and besides, it was uncharitably done in them to seek to hurt the clergy, and do themselves no good. They rather advised the house to consent to the bill, and afterwards to make suit to the king for their pardon. But this was not agreed to; and it was resolved to send the Speaker to the king in the first place, before they would pass the bill. Accordingly, sir Tho. Audley, Speaker of the commons, with a number of members along with him, waited on his maj. and declared to him, "that his faithful commons sore lamented and bewailed their chance, in having occasion to think or imagine themselves out of his favour, because he had granted his most gracious pardon to his spiritual subjects on the præmunire, and not to them. Wherefore they



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most humbly besought his maj. out of his wonted goodness and clemency, to include them in the same pardon." The king, adds Hall, wisely answered, "that he was their prince and sovereign lord, and that they ought not to restrain him of his liberty, nor to compel him to shew his mercy; for it was at his own pleasure, either to use the extremity of his laws, or to mitigate and pardon the same. Wherefore, since they had denied to consent to the pardon of the spiritual persons, which, he said, he might give without their consent, under his great seal, he would be well advised before he pardoned them; because he would not have it look as if he was compelled to do it." Upon this resolute answer, the commons departed. Some of the members attributed this usage to Thos. Cromwell, who was just then taken into the king's favour, and said, that he had disclosed the secrets of the house. However, the king did not suffer them to continue long in their sorrow; for soon after, of his own motion, a pardon was drawn up, and signed, which his maj. sent to the commons by Christopher Hales, esq. his attorney general, which was soon assented to by that house. The commons returned their most humble thanks; "and much praised his maj.'s judgment, in that he had denied a pardon to them when they had unworthily demanded it, and had granted it when he perceived they were so sorrowful and penitent."

*Proceedings on the Divorce.*] Hall further tells us, that on the 30th of March, the lord chancellor, and a committee of 12 more spiritual and temporal lords, went to the commons, where the lord chancellor spoke to them to this effect: "You of this worshipful house; I am sure you be not so ignorant but you know well that the kyng our soveraign lorde hath maried his brother's wyfe; for she was both wedded and bedded with his brother, prince Arthur, and therefore you may surely say that he hath maried his brother's wyfe, if this mariage be good, as so many clerkes do doubt. Wherefore the kyng, like a virtuous prince, willing to be satisfied in his conscience, and also for the suretie of his realme, hath with great deliberation consulted with great clerkes, and hath sent my lord of London, here present, to the cheife universities of all Christendome, to know their opinion and judgment in that behalf. And although the universities of Cambryge and Oxforde had been sufficient to discusse the cause, yet, because they be in his realme, and to avoyde all suspicion of partiality, he hath sent into the realme of France, Italy, the pope's dominions, and Venetians, to know their judgment in that behalf; which have concluded, written, and sealed their determinations, accordyng as you shall heare red."—Then sir Bryan Tuke took out of a box 12 writings sealed, and read them before the house, as they were translated into the English tongue. Next follows, in Hall, the judgment of the foreign universities; which were those of Paris, Orleans, Anjou, Bruges, Bononia, and Padua, at length. These are somewhat foreign to our purpose; we shall therefore content ourselves with observing, that the question put to these learned societies was, "whether the pope's dispensation for a brother's marrying a brother's wife, after consummation with her former husband, was valid or not?" Which, as the question was stated, they all gave in the negative. These determinations being all read in the house, there were produced above 100 different books, wrote by foreign civilians and divines, against the lawfulness of the marriage. Then the chancellor again said, "now you of this commen house may reporte in your countries what you have seene and heard; and then all men shall openly perceyve that the kyng hath not attempted this matter of wyll or pleasure, as some straungers reporte, but only for the discharge of his conscience, and suretie of the succession of his realme. This is the cause of our repayre hyther to you, and now we wyl departe."—For the titles of the acts passed in this session, see the List at the end of this reign.

*The Commons' Remonstrance against the Clergy.*] On the 15th of Jan. 1532, the same parl. sat again: and, to shew what effect the pope's answer to their letter had had upon them, the first thing they went upon in this 4th session, was to exhibit a complaint in the commons against the Clergy, in regard to their Ordinaries; for calling men before them, 'ex officio,' and charging them with heresy, without producing their accusers. Which was the more grievous to the public, because the party so cited must either abjure or be burned for an heretic. This and other complaints for exactions done by the Clergy in their ecclesiastical courts, were long debated in the commons; at last it was concluded and resolved, that all these grievances should be put in writing, and presented to the king. And on the 18th of March, the Speaker, accompanied with divers knights of shires and burgesses, went into the king's presence, and there declared to him how the laity was sore laid on by the cruel demeanor of the prelates and their ordinaries, who spared neither their bodies nor goods. Then he delivered to his maj. a schedule of their grievances in writing; and humbly beseeched him to take such order, in that case, as to his most high wisdom seemed most convenient. He further besought the king to consider what fatigue, charge, and cost his humble subjects of the lower house had sustained, since the beginning of this parl.; and that it would please his maj. out of his princely benignity, to dissolve it, that his subjects might retire home to their own countries.

When the king heard their Petition, he paused a while, and then said, "It is not the office of a king, who is a judge, to be too easy of belief; nor have I yet, nor will I use the same; for I will hear the party accused speak before I give sentence. Your schedule contains several articles of great and weighty mat-

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ters; and, as I perceive, is against the prelates and spiritual persons of our realm. This thing you desire a redress of and reformation; which desire is clean contrary to the last part of your petition; for there you require to have the parl. dissolved and to depart into your own countries; and yet you would have a reformation of your grievances with all diligence. Notwithstanding your fatigue and charge hath been great in tarrying here, I assure you mine hath been no less than your's; and yet all the pains I take for your welfare is to me a pleasure. Therefore, if you expect any benefit in your complaints, you must stay the time or else depart without remedy. I much commend you that you will not contend or stand in strife with the Clergy, who are your christian brethren; but much more you ought not, I think, to contend with me, who am your sovereign lord and king, considering, that I seek peace and quietness of you. I have sent to you a bill concerning wards and primier seisin, in which things I am greatly wronged; in this I have offered you reason, as I think, and as the lords do too, for they have passed the bill and set their hands to it. Therefore I do assure you, if you will not take a reasonable thing when it is offered, I will search out the extremity of the law; and then will I not offer you so much again."

The reason the king mentioned the matter in the conclusion of his speech to them was this: it was then become a custom for men to make feoffments of their lands to their uses; and in their wills to settle their lands with such remainders, that not only the king but all other lords lost their wards, marriages, and reliefs. The king also lost his primier seisin and the profit of the livery, which was to him a great loss. "Wherefore," says Hall, "he like an indifferent prince, not willing to take all nor to lose all, caused a bill to be drawn by his learned council, in which it was devised, that every man might bequeath half his land, so that he let the other half go to the heir by descent. When this bill came before the commons, the ignorant members opposed it mightily, and spoke very disrespectfully of the king's council about it: but the wiser sort, who saw and understood the mischief to come, would gladly have had the bill to pass; or at the least, to have the king assured of a 4th part. Which offer, Hall says, he himself was credibly informed, the king would have taken; but some wilful people would neither agree to the bill, as the lords had done, nor to any reasonable qualification of the same. This they soon after much repented of; for the king called together the judges and the ablest lawyers, and they disputed the matter in chancery, and agreed that land could not be bequeathed by will, by the custom of the common law. Whereupon an act was made, that no man might bequeath his land or any part of it. Which act sore grieved such lords and gentlemen who had many children to provide for; and shewed the simple what mischief they had brought on themselves by blindness and obstinacy."

About this time the parl. was prorogued to the 10th of April; and, being once more met, the lord chanc. with the dukes of Norfolk and Suffolk, the earls of Arundel, Oxford, Northumberland, Wiltshire and Sussex, were sent by the Lords to the Commons; when, being sat down, the lord chanc. declared to them, "That the king had been informed by his council, and especially by the duke of Norfolk, that on the marshes between England and Scotland were very few towns or habitations on the English side, but on the other many; so that the Scots inhabited up to the very borders: for which reason they invaded England several times, and did the king's subjects much hurt and displeasure. That, in order to remedy this, his maj. intended to build villages and houses on this side; and also to renew several piles and stops to hinder these invasions, to the great convenience of all the inhabitants thereabouts. But, as this thing could not be done without much expence, the lords, considering the king's good intent in it, had agreed to allow some reasonable aid towards it, and prayed the commons to consult about the same." Which said, they all withdrew. The commons took this affair into consideration, and unanimously voted the king a 15th, to support the expence; but it was not concluded this session: for, says Hall, a plague suddenly breaking out at Westminster, the parl. was prorogued to the next year.

In April 1533, the same parl. met again, when the affair of the Divorce began now again to be canvassed. The already repudiated queen wanted not those who defended her cause publicly, both in books and sermons; the chief of which were John Fisher, bp. of Rochester, and Tho. Abel, her chaplain. The pope had also made his last attack on Henry's conscience, by a mild expostulating letter, kindly exhorting him to put away Anne Boleyn, and take again Catherine, his lawful wife. But all this had no effect on Henry, who being told that one Temse, a member of the house of commons, had made a motion this session, 'that they should all petition the king to take his queen again;' he sent for sir Tho. Audley, their Speaker, and talked to him to this effect: "That he wondered any amongst them should meddle in businesses, which could not properly be determined in their house. But for this particular it concerned his soul so much, that he many times wished the marriage had been good; yet, since the doctors of the universities had generally declared it unlawful, he could do no less than abstain from her company. He therefore desired them to take this as the true reason, without imputing it to any wanton appetite: since, being in the 41st year of his age, it might justly be presumed such motions were not so strong in him as formerly. That they might the better understand this, he told them he had informed himself from all parts of Christendom concerning strange mar-

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riages; and that, except in Spain and Portugal, no man had done so much as marry two sisters, if the first was carnally known. But, for a brother to marry a brother's wife, was a thing so abhorred amongst all nations, that he never heard that any christian ever did so but himself. He wished them therefore to believe, that his conscience was much troubled about it."

Some time after, the king sent for the Speaker again, to give him the answer which the clergy had delivered in, relating to the complaints the commons had exhibited against them in the last session. The king himself seemed not at all pleased with it; and further told them, "he had found that the clergy of his realm were but his half subjects, or scarce so much; every bp. or abbot, at the entering into his dignity, taking an oath to the pope, derogatory to that of their fidelity to the king; which contradiction he desired his parl. to consider on, and take it away." Whereupon, says lord Herbert, these two oaths being read in the house, and considered, they so handled the business then, that it occasioned a final renunciation of the pope's supremacy in England, two years after.

This session lasted from the date aforesaid to May the 15th, at which time the parl. was prorogued again; but no particular time was mentioned. At the end of this session, sir T. More, lord chanc. resigned the seals, and was succeeded by sir Thos. Audley, Speaker of the house of commons, now knighted for that purpose. In the course of lord Herbert's history, we meet with no other session till the beginning of 1533, when, on Feb. the 4th, the same parl. sat again and made several statutes, for the titles of which we refer to the List of Acts. —This parl. did so coincide with the king's inclinations, that the statute to prevent appeals to Rome, was made with an intention to hinder queen Catherine from carrying her cause into that court. And the princess had now no other way left but to rest by the judgment of those, who were too much influenced by the king, or were her own mortal enemies. Accordingly, the queen being cited to appear before Cranmer, then abp. of Canterbury, and other delegates, at Dunstable; and she not obeying the summons, the abp. pronounced her contumacious, and proceeded to give sentence against her; which was an absolute separation, 'a mensa et thoro,' for ever. This affair was pushed the faster for a very good reason, as lord Herbert observes, because the pregnancy of Mrs. Ann Boleyn, whom Henry had privately married, became so apparent, that it was necessary to make an open declaration of it; and Ann was publicly crowned queen of England, with the usual ceremonies." The time of this last session of parl. was from Feb. 4th to April 7th, when it was then again prorogued to the year following. And now the Journals begin also again, so that the substance of what we shall give, relating to the farther proceedings of this parl. is chiefly taken from that authority.

The next session begun on the 15th of Jan. 1534. The business of the first day was taken up in reading appointments of proxies for the absent lords; and an adjournment took place till the 17th. On which day, complaint being made to the house, that several wicked facts had been committed, every way worthy of death, but by the laws then in being, as the judges declared, were not punishable as they ought to be; it was thought proper to ordain, that whatever person, guilty of such wickedness, should endeavour to skreen himself from justice, by betaking himself to some consecrated place or sanctuary, he should lose the benefit of the church's protection: and, that all persons found guilty of sodomitical practices should suffer death for them. Which crimes were remitted by the house to the consideration of the judges, and they were ordered to draw up two bills for that purpose.

An affront, of a very singular kind, was offered by the commons against the bp. of London this session. Complaint being made by them to the lords, that the bp. had a long time imprisoned one Thos. Philips, on suspicion of heresy, the lords dismissed the complaint, as a business too frivolous for that court. But the said bp. of London was again required, by the commons, to answer to the complaint in writing; whereupon he acquainted the Lords, that he might have their opinion; and they all agreed, "That it was not a thing fit for a peer to answer to in such a place."

*The King's Marriage declared void.*] Many were the acts passed in this session, as will appear by the List of them given at the end of this reign. "Among others," says lord Herbert, "it was enacted, upon the suit of the parl. to the king, for the establishing of the Succession to the Crown, the uncertainty whereof hath caused heretofore much division and bloodshed in this realm, That the king's marriage with the lady Katherine, wife, and carnally known to his brother prince Arthur, as was lawfully proved before Thomas abp. of Canterbury, as contrary to God's law, shall be held void, and she stiled no more queen, but dowager to prince Arthur; and the matrimony with queen Ann shall be taken for firm and good, and the issue thence procreate be accounted lawful; the inheritance of the crown to belong to the same in manner following, viz. first to the eldest son begotten by the king on queen Anne, and to the heirs of the said son lawfully begotten; and for default of such heir, then to the second son, &c. and if queen Ann decease without issue male, then the crown to descend to the son and heir of the king's body lawfully begotten, and the heirs of the said son lawfully begotten; and for a default of such issue, to the second son in like manner, &c. And for default of sons, that then the crown shall belong to the issue female of the king by queen Anne; and first to the first begotten the princess Elizabeth, and to the heirs of her body lawfully begotten; and for default of such issue, then to the second

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daughter in like sort, &c. and for default of all such issue, to the right heirs of the king's highness. It was ordained, that this act shall be proclaimed before May next throughout the kingdom. And all persons of age shall swear to accept and maintain the same. They who refuse the oath standing guilty of misprision of high treason; and they who speak or write against the marriage or succession here established, to be adjudged traitors. Besides all this, the present statute expressed certain degrees of prohibited marriage; amongst which, that between the brother and brother's wife was one, which being against God's laws could not be dispensed with by man, and therefore no such marriages shall hereafter be made; and those that are made already shall be by the ordinary dissolved, and those that are already so dissolved, shall be esteemed justly and lawfully dissolved, and the issue thence proceeding illegitimate."

*Bp. Fisher's Vindication of himself in relation to the Holy Maid of Kent.*] Besides the acts mentioned by lord Herbert, to have been passed this session, there was another for attainting bp. Fisher and sir Thos. More intended, for holding some correspondence with the Holy Maid of Kent. But there appearing no malignity in this commerce, the king, on their humble submission, prevented the bill from passing. Fisher's Letter to the house of lords, on this occasion, as given in Collier's History, is so singular as to merit a place in this work.

"My lords—after my most humble commendations unto all your good lordships, that sit in this most high court of parl.; I beseech in like manner to hear and to tender this my suit, which by necessity I am now driven to make unto all your lordships in writing; because I may not by reason of disease and weakness at this time be present myself before you, without peril of destruction of my body, as heretofore I have written to mr. Cromwell; which gave me no comfort to obtain of the king's grace, respite for my absence till I be recovered. If I might have been present myself, I doubt not but the great weakness of my body, with other manifold infirmities, would have moved you much rather to have pity of my cause and matter; whereby I am put under this grievous trouble.—So it is, my good lords, that I am informed of a certain bill that is put into this high court against me and others concerning the matter of the Nun of Canterbury, which thing is to me no little heaviness, and most specially in this piteous condition that I am in.—Nevertheless, I trust in your honours' wisdoms and consciences, that you will not in this high court, suffer any act or condemnation to pass against me, till my cause may be well and duly heard. And therefore in my most humble wise, I beseech all you my lords in the way of charity, and for the love of Christ; and for the mean season, it may please you to consider that I sought not for this woman's coming unto me; nor thought in her any manner of deceit. She was the person that by many probable and likely conjectures, I then reputed to be right honest, religious, and very good and virtuous. I verily supposed, that such feigning and craft, compassing of any guile or fraud, had been far from her: and what default was this in me so to think, when I had so many probable testimonies of her virtue; 1st, the bruit of the country, which generally called her the Holy Maid; 2nd, her entrance into religion upon certain visions which was commonly said that she had; 3rd, for the good religion and learning that was thought to be in her ghostly father, and in other virtuous and well learned priests that then testified of her holiness, as it was commonly reported; finally, my lord of Canterbury, that then was both her Ordinary and a man reputed of high wisdom and learning, told me that she had many great visions. And of him I learned greater things than ever I heard of the nun herself.—Your wisdoms, I doubt not, here see plainly that in me there was no default to believe this woman to be honest, religious, and of good credence.—For sith then I am bounden by the law of God, to believe the best of every person until the contrary be proved, much rather I ought so to believe of this woman that had then so many probable testimonies of her goodness and virtue.—But here it will be said, that she told me such words as was to the peril of the prince, and of the realm. Surely I am right sorry to make any rehearsal of her words, but only that necessity so compels me now to do.—The words that she told me concerning the peril of the king's highness were these: she said that she had her revelation from God, that if the king went forth with the purpose that he intended, he should not be king of England 7 months after; and she told me also, that she had been with the king and shewed unto his grace the same revelation.—Though this was forged by her or any other, what default is mine, that knew nothing of that forgery? If I had given her any counsel to the forging this revelation, or had any knowledge that it was feigned, I had been worthy of great blame and punishment. But whereas I never gave her any counsel to this matter, nor knew of any forging or feigning thereof, I trust in your great wisdoms that you will not think any default in me touching this point.—And as I will answer before the throne of Christ, I knew not of any malice or evil that was intended by her, or by any other earthly creature, unto the king's highness: neither her words did so sound that by any temporal or worldly power such thing was intended, but only by the power of God, of whom, as she then said, she had this revelation to shew unto the king.—But here it will be said, that I should have shewed the words unto the king's highness. Verily if I had not undoubtedly thought that she had shewed the same words unto his grace, my duty had been so to have done. But when she herself, which pretended to have this revelation from God,

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had shewed the same; I saw no necessity why that I should renew it again to his grace. For her esteemed honesty, qualified as I said before with so many probable testimonies, affirming unto me that she had told the same unto the king, made me right assuredly to think, that she had shewed the same words to his grace.—And not only her own saying thus persuaded me, but her prioress's words confirmed the same, and their servants also reported to my servants that she had been with the king. And yet besides all this, I knew it not long after by some others that so it was indeed. I thought therefore that it was not for me to rehearse the nun's words to the king again, when his grace knew them already, and she herself had told him before. And surely divers other causes dissuaded me so to do, which are not here openly to be rehearsed. Nevertheless when they shall be heard, I doubt not but they will altogether clearly excuse me as concerning this matter.—My suit therefore unto all you, my honourable lords, at this time is, that no act of condemnation concerning this matter be suffered to pass against me in this high court before that I be heard, or else some other for me, how that I can declare myself to be guiltless herein.—And this I most humbly beseech you all, on your charitable goodnesses, and also, if that peradventure in the mean time there shall be thought any negligence in me for not revealing this matter unto the king's highness, you, for the punishment thereof which is now past, ordain no new law; but let me stand unto the laws which have been heretofore made, unto the which I must and will obey.—Beseeching always the king's most noble grace, that the same his laws may be ministred unto me with favour and equity, and not with the strictest rigour. I need not here to advise your most high wisdoms to look up to God, and upon your own souls in ordaining such laws for the punishment of negligences, or of other deeds which are already past, nor yet to look upon your own perils which may happen to you in like cases. For there sits not one lord here but the same, or other like, may chance unto himself that now is imputed unto me.—And therefore eftsoons I beseech all your benign charities to tender this my most humble suit as you would be tendered if you were in the same danger yourselves: and this to do for the reverence of Christ, for the discharge of your own souls, and for the honour of this most high court: and, finally, for your own sureties, and others that hereafter shall succeed you. For I verily trust in Almighty God, that by the succour of his grace, and your charitable supportations, I shall so declare myself, that every nobleman that sits here shall have good reason to be therewith satisfied. Thus our Lord have you all, this most honourable court, in his protection. Amen."

This session continued till March 30th; on which day the lord chanc. by the king's command, ordered that all and singular the lords spiritual and temporal, in their parliament-robes, together with the members of the house of commons, should appear at the same place, at 2 o'clock in the afternoon. At which time, the three estates of the realm being assembled, the king on the throne, the lords by name in the journal being seated according to their ranks and dignities, and the whole house of commons attending, sir Humphrey Wingfield, knt. then Speaker of that house, made an elegant speech to the king, on presenting the bills for the royal assent, which was kindly and graciously accepted, Sir Tho. Audley, knt. lord chanc. of England, by the king's command, returned an answer to it; and gave thanks to all the members of both houses, for their great care and conduct in making so many excellent laws for the public good. Which bills being all read and assented to, the chancellor prorogued the parl. to the 3rd day of Feb. next ensuing; on which day he said, it was the king's absolute command that they should all, without further notice, attend.—The chancellor likewise took notice of one particular act made this session, concerning the Settlement of the Crown on the king's issue by Ann, his present queen, as the principal and most useful of them all. In this it was enacted, amongst other matters, That all and singular person or persons should take an oath to do and fulfil every ordinance comprehended in the said act. On the due observation of which, he added, the good and happiness of this kingdom chiefly depended. To which end the king, by his letters patents, had constituted and appointed the said lord high chancellor of England, the abp. of Canterbury, Tho. duke of Norfolk, lord treasurer, and Charles duke of Suffolk, who first took the Oath annexed to the lettters patent, in the king's presence, to swear all the rest of the lords spiritual and temporal, with the members of the house of commons, in the same manner, as appears by a transcript of the said act, to which all the jurors subscribed their names. After this, the king and all the rest retired.

Henry and his parl. agreed so well together in every thing, that it now plainly appears, by these frequent and annual prorogations, that he had no mind to part with them, till the great work of Reformation, which he had taken in hand, was accomplished. Much had been already done towards it, but much more remained behind to do. However, the next session of this parl. gave the king several convincing proofs of their great zeal for his service; and, as lord Herbert observes, the statutes then enacted were so important, as evidently to shew the great respect and awe borne by the nation to their king. The Journal Books of the sessions of parl. in the 26th and 27th of this king, being lost from the office, we must depend upon the printed statutes and histories for the further proceedings of this parl. to its dissolution.

*Act of Supremacy.*] According to the last prorogation, they met again on Feb. 3rd, 1535.

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by the statute books; but Hall and lord Herbert say Nov. 3rd. At which time the following act was made: "that albeit the king was the Supreme Head of the Church in England, and so recognised by the clergy of this realm in their convocations, yet for more corroboration thereof, as also for extirpating all errors, heresies, and abuses of the same; it was enacted, that the king, his heirs and successors, kings of England, should be accepted and reputed the supreme head on earth of the church of England, called Ecclesia Anglicana. And have and enjoy, united and annexed to the imperial crown of this realm; as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same church belonging or appertaining. And that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority, from time to time, to visit and repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which, by any manner of spiritual authority or jurisdiction ought or may lawfully be repressed, reformed, ordered, redressed, corrected, restrained, or amended most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm, any usage, custom, foreign laws, foreign authority, prescription, or any thing or things to the contrary hereof notwithstanding."—For the other statutes passed in this session we refer the reader to the list at the end of this reign.

If we may credit the preamble to the printed Statutes, this session of parl. continued sitting from the date above to the 18th of Dec. following. But this is scarcely probable; for we find that they met once more by prorogation on the 4th of Feb. in the beginning of the next year; which is hardly time enough for some of the more distant members to go home and return again.

*A Subsidy.*] Bp. Burnet, from the Parl Rolls, mentions an act for a Subsidy of a 10th and a 15th, to be paid in 3 years, that was passed also this session; no grant of that kind having been made for 12 years before. The preamble to which act sets out the king's high wisdom and policy in most glaring colours. It tells us, "that he governed his kingdom, for 24 years, in great wealth and quietness; of the great charges he had been at in the last war with Scotland, in fortifying Calais, and in the war with Ireland. That he intended to bring that wilful, wild, unreasonable, and savage people to order and obedience. That he intended to build forts on the marches of Scotland, for the security of this nation; to amend the haven at Calais, and to make a new one at Dover. By all which, they did perceive the entire love and zeal which the king bore to his people; and that he sought not their wealth and quietness, only for his own time, being a mortal man, but did provide for it in all time to come. Therefore they thought, that of very equity, reason, and good conscience, they were bound to shew a like correspondence of zeal, gratitude, and kindness." In return for this, a general pardon was granted, with some exceptions; particularly mentioning bp. Fisher and Sir Tho. More.

*The lesser Monasteries suppressed.*] After a prorogation of 14 months, according to bp. Burnet, from the Records, the same parl. met once more on the 4th of Feb. 1536. A great many laws relating to civil concerns were now made, as will be seen by our list of them. But the principal act, and for which this session was chiefly called, was that for the Suppression of the lesser Monasteries. How this bill went through the two houses we cannot learn from the Journals, for they are lost. But all the historians of these times tell us, that the report of these monasteries made to the king was read in parl. which represented the manners of these houses so odiously, that the act was easily carried. The preamble to this statute runs thus: "That small religious houses, under the number of 12 persons, had been long and notoriously given to vicious and abominable practices, and did much consume and waste the churches lands, and other things belonging to them. That for about 200 years, there had been many visitations for reforming these abuses, but with no success; their vicious living daily increasing; so that unless small houses were dissolved, and the religious put into greater monasteries, there could be no Reformation expected in that matter. Whereupon the king having received a full information of these abuses, both by his visitors and other credible ways, and considering that there were divers great monasteries, in which religion was well kept and observed, which had not the full number that they might and ought to receive, had made a full declaration of the premises in parl. Whereupon it was enacted, that all such houses which might spend yearly 200l. or within it, should be suppressed, their revenues converted to better uses, and they compelled to reform their lives."

Bp. Burnet, to whom we are obliged for the above extract, goes on and tells us, "That the reasons pretended for dissolving these houses, were, that as there were but a small number of persons in them, they entered into confederacies together, and their poverty set them on to use many ill arts to grow rich. They were, also, often absent, and kept no manner of discipline in their houses, but their estates were generally much richer than they seemed to be; for the abbots, raising great fines out of them, held the leases still low, and by that means they were not obliged to entertain a greater number in their house; and so enriched themselves and their brethren by the fines. For many houses, then rented at 200l. were worth some thousands." These were part of

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the reasons urged, in parl. for passing this bill, and we are farther told that Stokesley, bp. of London, said, in the house of lords, "That these lesser houses were, as thorns, soon plucked up, but the great abbies were like putrified old oaks; yet, they must needs follow, as others would do in Christendom, before many years were passed."

By another act, all these Religious Houses, their churches, lands, and all their goods were given to the king, his heirs and sucessors; together with all other houses, which, within a year before the making of the act, had been dissolved and suppressed. For the collecting the revenues that belonged to them, a new court was erected, called the Court of the Augmentations of the King's Revenue, which was to consist of a chancellor, a treasurer, an attorney, and solicitor; with 10 auditors, 17 receivers, a clerk, an usher, and a messenger. This court was to bring in the revenues of such houses as were now dissolved, excepting only such as the king, by his letters patent, continued in their former state: appointing a seal for this court, with full power and authority to dispose of these lands, so as might be most for the king's service.—Thus fell the Lesser Abbies to the number of 376, the yearly income of which yielded to the king about 30 or 32,000l.; besides their goods and chattels, which at low rates, were valued at 100,000l.; and the number of monks and nuns, turned out of them, amounted to about 10,000l.—On the 4th of April, this parl. which had now subsisted above 6 years, and, as bp. Burnet observes, had done the king such eminent service, was finally dissolved.

*Ann Boleyn executed.*] Henry had now, almost, an unlimited sway, both in church and state, and seemed, in his domestic affairs, to be very peaceable and content. His new queen was fruitful, and likely to produce fair issue from the old stock. When, all of a sudden, she was accused of incest, adultery, and what not, with her own brother and others; who were all tried, condemned and executed, in the Tower, on May 19, 1536.

*A new Parl. called.*] This affair quite unhinged all the acts of settlement made in the last parl.; and Henry, soon after the dissolution of the last, found himself obliged to call another parl. to meet at Westminster, on the 8th of June, 1537. We shall not mention the names of all the peers summoned to this parl. but the manner and rank the barons sat in the house, is preserved by Dugdale, and deserves a place in our history.

*Names of the Barons, as they entered and sat in the Parl. in order, in the 28th of King Henry VIII.*

Ld. Wm. Weston grand prior of st. John's
Geo. lord Bergavenny
John lord Audley
William ld. Mountjoy
Henry ld. D'Aubeny
Christopher lord Conyers of Hornby
John lord Zouch
Tho. ld. De la Ware
Tho. ld. Berkley
Lord Montague
Lord Rochford
Henry lord Morley
Ld. Dacres of the south
Ld. Dacres of Graystock
Lord Cobham
Lord Multravers
Lord Talbot
Lord Walter Ferrers
Edward ld. Powis
Lord Gray of Wilton
Lord Scrope
Lord Dudley
Lord Latimer
William ld. Stourton
Lord Fitz-Warine
John lord Berners
Lord Lumley
George ld. Hastings
Thomas ld. Darcey of Temple-Hurst
Lord Montegle
Ld. Vaux of Harradoun
John lord Hussey of Sleford
Andrew ld. Windsor of Stanwell
Ld Tailboys of Kyme
Lord Wentworth
Ld. Brough of Gainsborough
Edmond lord Bray
John lord Mordant
Lord Hungerford of Heytesbury
Thomas ld. Cromwell of Wimbleton. Admitted by patent the last day of this parliament.

The Journal Book now begins again, and is very particular in the transactions of this parl.; which being met, on the 8th of June, as aforesaid, the king on the throne, and all the lords and commons attending, sir Tho. Audley, knt. then ld. chanc. of England, opened the cause of the summons in a speech to this effect: "First, he told them, that at the dissolution of the last parl. it did not enter into the king's mind that he should so soon have occasion to call another; but, that for two especial causes very necessary, both for easing the king's scruples and conducive to the good of the whole kingdom, he had issued fresh summons for calling this parl. The one was concerning the heirs and successors of the king's maj. who knowing himself obnoxious to infirmities and even death itself, a thing very rare for kings to think of; and besides, considering the state of the whole kingdom, depending, as it were, upon his single life; but willing, above all things, to leave it free from all dangers to posterity, he had called this parl. to appoint an heir apparent to the crown, who, when the present king had resigned to fate without children lawfully begotten, might by their own consent happily reign over them.—The 2nd cause for which this present parl. was summoned was, for repealing a certain act made in the last, by the tenor and force of which this whole realm is bound to be obedient to the lady Ann Boleyn, the king's late wife, and her heirs, between them, lawfully begotten. Also by the force of the said act, whoever should say or do any ill against her or her issue should be condemned for high treason.—But now, he said, that they may more rightly understand the reasons of this summons, his counsel was, according to these three proverbs of Solomon, (to whom our most excellent prince here may be most justly and worthily compared,) "operabimini quibus admonemur, præterita in memoria habere, præsentia intueri, et obventura provideri.' And, as to the 1st, they very well remembered what great anxieties and perturbations of mind their most invincible sovereign suffered, on account of his first unlawful marriage; which was not only judged so in all the

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universities in Christendom, but declared unlawful by the general consent of this kingdom in a late act of parl. So also they ought to bear in mind the great perils and dangers their prince was under, when he contracted his 2nd marriage, in regard to the 2nd of Solomon's proverbs, by considering in what a situation this realm was in by reason of the oath then made and taken for the support of the said Ann and her issue. Which said lady Ann and her accomplices had been since justly found guilty of high treason, and had received their due reward for it. What man of middle condition would not this deter from marrying a third time? When he remembers that the first was a vast expence and great trouble of mind to him; and the second ran him into great and imminent dangers, which hung over him during the whole time of it. Yet this our most excellent prince, on the humble petition of the nobility, and not out of any carnal lust or affection, again condescends to contract matrimony; and hath at this time taken unto himself another wife, whose age and fine form denotes her most fit and likely to bring forth children. And therefore according to the 3rd proverb of Solomon, 'Obventura providemus,' we are now met, by the king's command, with unanimous consent, to appoint an heir apparent to the crown. That, if this our prince, which God avert, should leave this mortal life without children lawfully begotten, the heir so appointed may lawfully rule and govern this kingdom after him. Lastly, let us humbly pray to God, that he would bless this our most excellent prince with some offspring; at the same time giving him thanks that he has hitherto preserved him from so many and such imminent dangers. Because it is his whole study and endeavour to rule us all, in perfect peace and charity during his life; and to transmit the same happiness to posterity."

After the chancellor had ended his harangue, he in the king's name ordered the commons to withdraw and chuse a Speaker; and present him to the king the day following. The receivers and triers of petitions being appointed, the next day, being Saturday, the chancellor acquainted the king and lords that the commons begged a longer time for electing a Speaker. Hereupon the king commanded that the house of lords should be adjourned to Monday. And on that day the commons presented to the king Rd. Rich, esq. for their Speaker; who immediately addressed himself to the throne, in words to this effect:

"First, in the name of the commons, he told his maj. that they well understood the chancellor's reasons, which he gave on the first day of the meeting for calling this present parl. and repeated the heads of the chancellor's discourse. He then took occasion to praise the king for his wonderful gifts of grace and nature; and compared him for justice and prudence to Solomon; for strength and fortitude to Sampson; and for beauty and comeliness to Absalom. He then said, that according to the chancellor's commands, the commons had retired to their own house, in order to chuse a Speaker; and had actually chosen him, the most unworthy of them all, for that honour. He therefore besought his maj. that he would command the commons to withdraw again to their own house, and elect another Speaker; for he had neither learning, experience, nor boldness, fit for that office; and therefore he was the least capable of any to undertake such an honourable employment."

To this the chancellor, by the king's command, replied, "that his maj. had well heard his speech; and was glad to understand by the first part of it, that the members of the house of commons had been so attentive to the chancellor's declaration, as they appeared to be. That as to the praises and virtues ascribed to himself, his maj. thought proper to disavow them; since, if he really had such virtues, they were the gifts of Almighty God only. Lastly, adds he, as to your excuses, Richard, which the king hath heard, that you have neither learning, experience, nor boldness, fit for such an office; to this his maj. hath commanded me to reply, that, if he did not know that you had all those qualifications, he would not, amongst so many urgent matters as are now depending, admit you into the office; and therefore he does not look upon your excuses as just." After which the said Rd. Rich, esq. made the usual protestation for liberty of speech, &c. which was allowed of.

*New Act of Succession.*] "The principal act," says lord Herbert, "made this parl. was touching the Succession of the crown; in which, after a rehearsal of the statute, 25 Hen. VIII. touching the king's marriage, and limitation of succession to the crown; and another of 26 Henry VIII. It is declared, that whereas a marriage was heretofore solemnized betwixt the king's highness and the lady Ann Boleyn; that since that time, certain just, true, and lawful impediments of marriage, unknown at the making of the said acts, were confessed by the said lady Ann before Tho. lord abp. of Canterbury; by which it plainly appeareth, that the said marriage betwixt his highness and the said lady Ann was never good nor consonant to the laws: and therefore his highness was lawfully divorced from the said lady Ann. Moreover, that she and her accomplices before-mentioned were convicted by due course of law, and have suffered according to their merits. And whereas it hath pleased his highness, notwithstanding the great perils suffered by occasion of his first unlawful marriage betwixt the lady Katharine, and this unlawful marriage betwixt the lady Ann, at the most humble petition of his nobles in this realm, and for conservation of the same, to enter into marriage again with the lady Jane (Seymour) according to the laws of the church; and that there is hope she may conceive by his highness; that it is the most humble petition of his nobles and commons, that, for extinguishment of all ambiguities and doubts, it may be



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enacted in manner and form as followeth. And 1st, that the marriage betwixt the king and queen Katharine should be void and of no effect; as being grounded on a dispensation, in a case not dispensable by human authority; and so determined by the whole clergy, and both universities of this realm; as also by the universities of Bononin, Padoua, Paris, Orleans, Tholouse, Anjou, and divers others; in regard, she being wife to his elder brother, prince Arthur, was carnally known by him, as was sufficiently proved before Tho. abp. of Canterbury; and therefore, that any dispensation to the contrary hereof should be to all intents void and of no effect; and the issue procreated under the same unlawful marriage, betwixt his highness and the said lady Katharine, to be illegitimate, and barred from claiming any inheritance from his highness by lineal descent: also, that the marriage betwixt his highness and queen Ann is of no value nor effect; and that the divorce made between his highness and her is good and effectual, and the issue illegitimate, and not inheritable to his highness by a lineal descent, any former act to the contrary notwithstanding.—And furthermore, since many inconveniences have fallen by marrying within degrees prohibited by God's law, (which marriages yet have been often dispensed with by some usurped power, when yet no man hath power to dispense with God's law.) Therefore it was enacted, that if any were married within the said degrees, or took to wife the sister or daughter, &c. of her whom he had before carnally known, he might and should be separated by the definitive sentence of the abps. and other ministers of the church of England: and their said sentence to be good and effectual, without suing any appeal to or from the court of Rome.—Further, it was enacted, that the issue betwixt his highness and queen Jane should be his lawful children and heirs, and inherit, according to the course of inheritance of the laws of this realm, the imperial crown of the same; with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging.—But if it should happen that queen Jane should decease without issue male of the body of his highness to be begotten, then the same imperial crown, and all other the premises, to be to his maj. and to his heirs male by any other lawful wife, and to the heirs of the body of the same son and heir male lawfully begotten; and so from son and heir male to son and heir male, and to the heirs of every such son and heir male lawfully begotten according to the course of inheritance, as is abovesaid. And for default of such issue male, then the said imperial crown and premises should be to the issue female, betwixt his maj. and queen Jane begotten, and so again to the issue female by any other wife in like manner; that is to say, to the eldest issue of the issue female, and to the heirs of her body lawfully begotten; and so from issue female to issue female, and to their heirs of their bodies, one after another, by course of inheritance, according to their ages, as the crown of England hath been accustomed and ought to succeed and go, in case when there is heir female inheritable to the same. And forasmuch as it stands in the only will and pleasure of Almighty God, whether his highness shall have heirs, and that if they fail, and no provision be made in his life who should govern this realm, than then this realm, after his transitory life should be destitute of a lawful governor, or incumbered with such a person that would covet to aspire to the same; that in that case, his highness might limit the crown to any person or persons in possession and remainder by his letters patents under the great seal; or else by his last will, signed with his hand, after such manner as should be expressed in his said letters patents; and that such person and persons should have and enjoy the same after his decease, in as large and ample manner as the lawful heirs of his body should have done. After which, order was taken to prevent usurpation of the crown; and the penalty of high treason imposed on usurpers, as on those also who believed either the marriage of his highness with the lady Katharine or the lady Ann to be good; and did call the lady Mary, or the lady Elizabeth, legitimate; and who used certain words and actions tending to this purpose.—Furthermore, it was enacted, that if his maj. should decease before any heir male of his body, inheritable to the crown of this realm, should be of the age of 18 years, or any heir female which should be inheritable as aforesaid, should be married, or be of the age of 16 years, that then they, or any of them, shall be and remain until they came unto the said several ages, at and in the governance of their natural mother, and such other his counsellors and nobles of his realm as his highness should name and appoint by his last will in writing, and signed with his hand, as is aforesaid; and that an oath should be administered for performance of this act, and the penalty of high treason inflicted on those that shall refuse it.—Furthermore, it was enacted, that the king should have power, by his letters patents, or last will as aforesaid, to advance any person or persons of his most royal blood to any title, stile, or name, of any estate, dignity, or honour, and to give to them, or any of them, any castles, honours, lands, &c. in fee-simple, fee-tail, or for term of lives, or the life of any of them, saving the rights and estates of all others, in and to the same.—Finally, it was enacted, that every clause, article, and sentence therein should be taken and accepted according to the plain words thereof. How yet this act was altered, 35 Hen. VIII. 1. shall be declared by me, God willing, in this history, referring the reader to 1 Mary I. when it was repealed."

*Act for abolishing the Papal Power.*] At this time a new proposal came from Rome, for a reconciliation between Henry and holy

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church. The interval seemed very favourable to it, for queen Catherine and Anne being both dead, who were the occasion of the rupture, the court of Rome judged this a proper opportunity to effect it. Accordingly, the pope sent a message to the king, to let him know, "That he had ever favoured his cause in his predecessor's time; and though he was forced to give out a sentence against him, yet he had never any intention to proceed upon it to further extremities." How this message was received, may be fully known by two acts which the king procured to be immediately passed upon it, in this parl.: by which all hopes of a reconciliation were entirely cut off between them. For a bill was brought into the lords, for utterly abolishing the usurped authority of the bp. of Rome, on the 4th of July, which soon after passed both houses. The preamble to which act contains these severe reflections:—"The bp. of Rome, whom some call the pope, who had long darkened God's word, that it might serve his pomp, glory, avarice, ambition, and tyranny, both upon the souls, bodies and goods of all Christians; excluding Christ out of the rule of men's souls, and princes out of their dominions; and had exacted in England great sums by dreams, vanities, and other superstitious ways. Upon these reasons his usurpation had been by law put down in this nation; yet many of his emissaries had been practising up and down the kingdom, and persuading people to acknowledge his pretended authority. Therefore, every person so offending after the last day of July, next to come, was to incur the pains of a præmunire; and all officers, both civil and ecclesiastical, were commanded to make enquiry about such offences, under severe penalties."

The other blow made at the pope, was by another act, passed, that, "Whereas the popes had, during their usurpation, granted many immunities, to several bodies and societies in England, which upon such grants had been now long in use: therefore, all those bulls, breves, and every thing depending on, or flowing from them were declared void and of no force. Yet all marriages celebrated by virtue of them, that were not otherwise contrary to the law of God, were declared good in law; and all consecrations of bps. by virtue of them, were confirmed. And, for the future, all who enjoyed any privileges by bulls, were to bring them into chancery, or to such persons as the king should appoint for that end. Moreover, the abp. of Canterbury was empowered to grant anew the effects contained in them, which grant was to pass under the great seal, and to be of full force in law."

*Resident Clergy.*] By the 13th act of this parl. an abuse was corrected which had crept in, to evade the force of a statute made in the 21st of this king, about priests residing on their livings. One qualification that did excuse them from residence was, their staying at the university for completing their studies. Now it was found, that many dissolute clergymen went and lived at the universities, not for study, but to be excused from serving their cures. Therefore, it was enacted that none above the age of 40, who were not either heads of houses, or public readers, should have any exemption of residence, by virtue of that clause in the former act. And, all those under that age should not have the benefit of it, except they were present at lectures, and performed their exercises in the schools.

This parl. having dispatched a great deal of business in a very little time, on July the 18th the king came to the house, in order to pass the bills that were ready for the royal assent. And the speaker of the house of commons made another oration to him, as full of flattery as the last. Only, as in the former, he compared the king to Solomon, Sampson and Absalom, for wisdom, strength and personage, he now likened him to the sun. "For, as the sun, said he, exhales all the noxious vapours which would otherways be hurtful to us, and by its heat cherishes and brings forth those seeds, plants, and fruits necessary for the support of human life; so this our most excellent prince takes away, by his prudence, all those enormities which may hereafter be any ways hurtful to us and our posterity. And takes care to enact such laws as will be a defence to the good, and a great terror to evil doers." The chancellor replied to his harangue much in the same words as to the former; and then, by the king's command, he dissolved the parl.: exhorting the members that they would all take care to observe the laws then made, and see them observed by others. Bp. Burnet remarks on the proceedings of this parl. that it plainly appears that the king was absolute master both of the affections and fears of his subjects. When, in a new parl. called on a sudden, and in a session of 6 weeks, acts of so great importance were passed, without any protest or public opposition.

*Suppression of the larger abbies, &c.*] But the great work of a thorough reformation was not yet compleated; that is, the larger monasteries were not dissolved, whose revenues the lay-courtiers were greedily gaping for. Henry had now got a fit instrument for that purpose, in the person of Thos. Cromwel, a blacksmith's son of Putney; but, who, by his great learning and abilities, was first made master of the jewel-house, then baron of Oakeham, afterwards earl of Essex, lord great chamberlain, and vicar-general over the spiritualities. This man being now prime minister, in his old master cardinal Wolsey's place, persuaded the king, who was ready enough to comply, to pull down the larger abbies and monasteries; the smaller under the value of 200l. a year, having been suppressed before. And, though some remonstrances were made to the contrary, that a few might be spared, as well for the virtue of the persons in them, as that the country received great benefit from them; the poor receiving thence relief, and the richer sort education for their children; yet, says

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lord Herbert, Cromwel, by the king's permission, invaded all; and, betwixt threats, gifts, persuasions, promises, and whatever else might make men waver, he obtained of the abbots, priors, abbesses, &c. that their houses might be given up.

*A new Parl. called*] But, an absolute right to these possessions was not warranted, yet, by law; and therefore Henry called a parl. to establish it. They were summoned by writ to meet at Westminster, on the 28th day of April, 1540. The first writ of summons is directed to Thomas lord Cromwell, our vicar-general in spiritualities. The following list of the whole house of peers at this time is deserving a place in this work, since it is the last we meet with, where the spiritual and temporal lords, abbots included, sat together in an English parl.

*List of the Peers as they sat in this Parl.*

| | |
|---|---|
| The king | Thos. duke of Norfolk, treasurer of England |
| The abp. of Canterbury | Charles duke of Suffolk, steward of the household |
| The Bishops of | |
| London | Thos. marq. of Dorset |
| Winchester | John earl of Oxford, great chamberlain of England |
| Exeter | |
| Lincoln | Wm. earl of Southampton, lord high admiral of England |
| Bath and Wells | |
| Ely | Wm. earl of Arundale |
| Bangor | Ralph earl of Westmoreland |
| Litchfield and Coventry | |
| Salisbury | Francis earl of Shrewsbury |
| Worcester | Henry earl of Essex |
| Rochester | Edward earl of Derby |
| Norwich | Henry e. of Worcester |
| Chichester | Thos. earl of Rutland |
| St. David's | Hen. e. of Cumberland |
| St. Asaph | Robert earl of Sussex |
| Landaff. | Geo. e. of Huntingdon |
| The Abbots of | John earl of Bath |
| Westminster | Edw. earl of Hertford |
| St. Alban's | Hen. e. of Bridgewater |
| St. Edmundbury | Arthur viscount Lisle |
| St. Mary's, York | John lord Russel, admiral of England |
| Glastenbury | |
| Gloucester | John Touchet l. Audley |
| Ramsey | John lord Zouch |
| Evesham | Thomas ld. Delaware |
| Peterborough | Hen. Parker l. Morley |
| St. John, Colchester | Thos. Fienes l. Dacre |
| Reading | Wm. lord Dacre, of Gillesland |
| Malmsbury | |
| Croyland | George Brooke lord Cobham |
| Selby | |
| Thorney | Henry Fitz-Allan lord Maltrevers |
| Winchcombe | |
| Waltham | Walter Devereux lord Ferrers |
| Cirencester | |
| Tewsbury | Edward Gray l. Powis |
| Tavistock | Wm. l. Gray, of Wilton |
| The abp. of York | Edw. Fenys ld. Clinton |
| Bishops of | John lord Scroop, of Bolton |
| Durham | |
| Carlisle | |
| Thos. ld. Audley, of Walden, chanc. of England | |

| | |
|---|---|
| Wm. lord Stourton | Thomas lord Vaux. |
| John lord Lumley | Andrew lord Windsor |
| John Nevile l. Latimer | Thos. lord Wentworth |
| Charles Blount lord Mountjoy | Thos. lord Brough |
| | Edward lord Gray |
| Thomas Stanley lord Mounteagle | John lord Mordaunt |
| | Wm. lord Hungerford |
| William lord Sandys | Wm. Paulet l. St. John |
| lord Convers | Wm. lord Parre. |

The ld. chancellor's speech, at the opening of this parl. is wholly omitted in the journals; and there are only the names of the receivers and triers of petitions to it. Nor is there any mention of the name of a Speaker to the house of commons; but, by what will appear in the sequel, from the same authority, we find that sir Nicholas Hare, knt. was chosen for that office.

*A Committee for Religion appointed.*] May 5th, the lord chanc. informed the house of lords, "that it was his maj.'s desire, above all things, that the diversities of opinions concerning the Christian religion in this kingdom, should be with all possible expedition plucked up and extirpated. And therefore, since this affair was of so extraordinary a nature, that it could not well be determined in a short time, considering their various sentiments, by the whole house; the king thought it necessary, if it seemed good to them, that they should chuse a Committee of themselves, to examine into these different opinions; and whatever they decreed concerning them might be with all convenient speed communicated to the whole parl." This was aproved of by all; and with unanimous consent a committee was chosen to examine these opinions, the names and titles of whom were as follows: Thomas lord Cromwell, vicar general; abp. of Canterbury; the bps. of Bath and Wells, Ely, Bangor, Worcester; abp. of York; bps. of Durham and Carlisle. And it was ordered, that this committee should have leave to absent themselves from the service of the house, whilst they had these affairs under consideration. The same day a bill was brought into the house by the lord chanc. for the appointment of seats or places in that assembly, for the king's chief officers; viz. the king's vicar-general in spiritualities, the lord chanc. lord treasurer, and others; that from henceforth there might be no more dispute about them. Also another bill was brought in, by which religious persons, whose monasteries were dissolved, might be enabled to inherit any lands and tenements which they were heirs to.

May 10th, the vicar-general aforesaid brought another bill into the house, which was to attaint certain traitors, lately found guilty and condemned for high treason. These were the late marq. of Exeter, the late lord Montague, Edw. Nevile, and others. It was read twice that day, and then delivered to the clerk of parl. to be engrossed on parchment. On the 12th the aforesaid bill being read a third time, the Vicar-General stood up in the house, and shewed openly a certain habit, made of white

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silk, which was found by the lord admiral, in the linen wardrobe belonging to the countess of Salisbury; on the fore part of which garment was embroidered the arms alone of England, viz. three lions, surrounded with a border of two different flowers, called paunces and marigolds. On the back part of it was the device which the northern rebels lately used in their insurrection.

*Total Suppression of Monasteries, Abbies, &c.*] May 13th, the fatal bill for the fall of Monasteries, Abbies, &c. was brought into the house of peers, by the lord chanc. Audley. The title of the bill was, "concerning the establishment to the king's maj. his heirs and successors, of all manner of abbies, priories, monasteries, &c. which had come into the king's hands, by reason of the suppression, reduction, and final dissolution of them, on the 4th of Feb. an. reg. 27." This bill was ordered to be read a 1st time in the house; and then, because that the next day the clergy were to attend the convocation, and the day following was Ascension-day, the chancellor adjourned the parl. to Friday, at 8 o'clock in the morning, the usual time fixed for their meetings in those days. This is the title which the Journal Book gives; but the act itself is more explicit, and expresses, "that leases of manors, belonging to monasteries, dissolved or to be dissolved, and assured to the king, shall take effect. That the king shall hold, possess, and enjoy to him, his heirs and successors for ever, all monasteries, and abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses and places, which since the 4th of February, 27 Henry VIII. have been dissolved, suppressed, renounced, forfeited, or given up, or by any other means come to his highness; or which shall be dissolved, &c. As also all manors, lordships, lands, tenements, rights, liberties, &c. belonging to them. All which, except such as came by attainder of treason, shall be under the survey and government of the king's court of Augmentation of the revenues of the crown. Other mens' titles yet saved." Thus fell the monastical priesthood in England. The number of monasteries dissolved, according to Speed, Stow, and Camden, amounted to 645; amongst which, 27 had votes, and sat in the house of lords, as mitred abbots. Of colleges, were demolished, in divers shires, 90. Of chantries and free chapels, some time after, 2374. And of hospitals, 110. The yearly income of all amounting to 163,000l. being above a third part of all the spiritual revenues in the kingdom. This, added to the almost immense sums the king must have made of all their present stock of cattle and corn, timber, lead, bells, &c. but chiefly of their plate, jewels, and church-ornaments, of which are still extant divers rich inventories, must be incredible. "This rapine upon the church, with the miserable ruin of themselves and houses, was divulged abroad in such terms," says lord Herbert, "as astonished the whole Christian world. For though the excessive number of them excused the king in some part for the first suppression, this latter had no such specious pretext. So that, notwithstanding the king's necessities, no little occasion of slander and obloquy was given by these violent proceedings."

*A Report from the Committee of Religion.*] May 16th the duke of Norfolk reported from the committee appointed to examine into the different opinions in Religion, which were then started up in that kingdom;" that they had made no progress therein, because they were not in one mind themselves; which some of the lords had objected to when they were first named. Therefore he thought it was best, that the 6 following Articles should be put to the examination of the whole parl. and each man to give his opinion freely about them. By which means, an union in these matters might be come at, and finally determined. And that, for the better observance of the aforesaid determination some penal statute ought to be enacted against those that any ways infringe or violate them in any particular. The 6 Articles to be examined into are these: I. Whether the sacrament be the real body of our Lord, without transubstantiation? II. Whether the sacrament may be given to the laity in both kinds? III. Whether vows of chastity, made by men or women, ought to be observed, 'jure divino?' IV. Whether private masses ought to be kept by the same law? V. Whether priests ought to marry on the same authority? VI. Whether auricular confession be necessary, 'jure divino?'—These knotty points of divinity being laid before the whole house to be debated on, it took some time before they could come to a determination of them. For,

May 30, after a short prorogation, we are told in the Journals, that the lord chanc. declared before the lords, "that not only the bps. and other spiritual peers, but even the king's maj. had taken great pains and laboured incessantly to bring about an union in the foregoing articles, and had, at last, complcated it. It was therefore his maj.'s pleasure, that some penal statute should be enacted, to compel all his subjects, who were any ways dissenters or contradictors of these arricles, to obey them. But the form of a statute for punishing such offenders he left to their determination." It was therefore agreed on by the whole house, that two committees should be appointed for that purpose. The abp. of Canterbury, the bps. of Ely and st. Asaph, with dr. Petre, were ordered to dictate and compose one form of an act for punishing such offenders; and the abp. of York, the bps. of Durham and Winchester, with dr. Tregonnel, to draw up another. Which two forms, so composed, were to be presented to the king on the Sunday following; which was only two days notice.

*Six Articles established, &c.*] June 7th "this bloody bill," as the protestant writers justly term it, was brought into the house by the

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lord chanc. and read the first time. The title is, 'A bill concerning the Punishment of those Persons, who either violate or infringe the Articles aforesaid.' The bill was read a 2nd and 3rd time, on the two days following; and then delivered to the king's attorney and solicitor-general, to be carried down to the commons, where an amendment was made to the bill by them. This was again read and approved of by the lords, so that the bill passed both houses on the 16th of June; and, amongst others, had the royal assent on the last day of this session.

The 6 articles, contained in this statute, and which were founded on the 6 foregoing questions, proposed by the lord treasurer, are these:—"I. If any person by word, writing, printing, cyphering, or any otherwise do preach, teach, dispute, or hold opinion, that in the blessed sacrament of the altar, under form of bread and wine, (after the consecration thereof) there is not present really the natural body and blood of our Saviour Jesus Christ, conceived by the Virgin Mary; or that after the said consecration there remaineth any substance of bread and wine, or any other substance but the substance of Christ, God and man; or that in the flesh under form of bread, is not the very blood of Christ; or that with the blood, under the form of wine, is not the very flesh of Christ as well apart, as though they were both together; or affirm the said sacrament to be of other substance than is aforesaid, or deprave the said blessed sacrament: then he shall be adjudged an heretic, and suffer death by burning, and shall forfeit to the king all his lands, tenements, hereditaments, goods and chattels, as in case of high treason.—II. And if any person preach in any sermon, or collation openly made, or teach in any common school or congregation, or obstinately affirm or defend, that the communion of the blessed sacrament in both kinds is necessary for the health of man's soul, or ought or should be ministred in both kinds: or that it is necessary to be received by any person, other than priests, being at mass, and consecrating the same.—III. Or that any man, after the order of priesthood received, may marry, or contract matrimony.—IV. Or that any man or woman which advisedly hath vowed or professed, or should vow or profess chastity or widowhood, may marry or contract marriage.—V. Or that private masses be not lawful, or not laudable, or should not be used, or be not agreeable to the laws of God.—VI. Or that auricular confession is not expedient and necessary to be used in the church of God, he shall be adjudged to suffer death, and forfeit land and goods as a felon.—If any priest, or other man or woman which advisedly hath vowed chastity or widowhood, do actually marry or contract matrimony with another; or any man which is, or hath been a priest, do carnally use any woman to whom he is or hath been married, or with whom he hath contracted matrimony; or openly be conversant or familiar with any such woman, both the man and the woman shall be adjudged felons. Commissions also shall be awarded to the bishop of the diocese, his chancellor, commissary, and others, to enquire of the heresies, felonies, and offences aforesaid. And also justices of peace in their sessions, and every steward, under-steward, and deputy-steward in their leet or law-day, by the oaths of 12 men, have authority to enquire of all the heresies, felonies, and offences aforesaid."

Strype says, "that great striving and struggling was in the house about passing this bill. Beside the abp. of Canterbury, other divines and lawyers argued well against it; it appearing, as they urged, to be not only against truth, but against common justice. And that had not the king come himself in person into the parl. house, it would not have passed." Lord Herbert informs us, "that Cranmer, abp. of Canterbury, boldly opposed these articles passing into a law, for 3 days together;" we suppose on the 3 times reading the bill in the house of lords. And Foxe says, "that when it came to be passed, the king desired Cranmer to be out of the house that day, since he could not give his consent to it; but that he humbly excused himself, for he thought he was obliged to stay and vote against it. What arguments he used are not known; but the king was not displeased with the prelate's plainness, as knowing all he said was out of a sincere intention. Though some thought he had a particular interest in his opposition to the 3rd Article, by reason of his wife, whom he had married about 7 years before in Germany; and for fear of this statute had sent or was about to send her back to her friends in that country. In the Journals of June 24th, we find a Memorandum of an order made that day, for enlarging the time allowed for priests putting away their wives, which, according to the statute, was to take place on the feast of st. John the Baptist, which was that very day, but it was now prolonged to the 12th of July following. And the dates in the bill were ordered to be altered accordingly.

*Acts passed.*] Amongst the rest of the statutes enacted in this parl. these are also remarkable.—"I. That religious persons, who were put out of monasteries, &c. might purchase lands, sue or be sued, but not claim any inheritance as descending to them. And that if they made a vow of chastity after 21, they should not marry."—II. That the king, by the advice of his council, or the major part of them, might put forth proclamations, under such pains and penalties as to him or them may seem necessary; which shall be observed as if they had been made by act of parl. But that this should not be prejudicial to the inheritance of any persons, their offices, liberties, goods, chattels, or life.—III. That the king might nominate and appoint what number of bps. sees for bps. cathedral churches, as he pleased, and also endow them with possessions. On the strength of this act the king

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erected 6 new bishoprics, viz. at Westminster, Oxford, Peterborough, Bristol, Chester, and Gloucester, and endowed them with the revenues taken from dissolved monasteries.—IV. For settling the places of the peers in parl; a thing which had been much controverted in former reigns. By which Cromwell, the king's vicar-general, though a lock or blacksmith's son, had the precedence of all persons, except the royal family.—V. That it should be felony to take in the king's manors, any egg or bird of any falcon, goshawk or laner, out of the nest; or to find or take up any falcon, jerfalcon, jerkin, sacer, or sacerite, goshawke, laner, or lanerite of the king's, having on the king's arms and verviles, and do not bring them to the king's falconer within 12 days, &c."

June 29th, the king came to the house in order to pass the bills, and to put an end to this session. At which time sir Nich. Hare, Speaker of the commons, addressed his maj. in an elegant and learned speech; and, finally, humbly besought him, that he would give the royal assent to the bills that were ready for that purpose. Which, being all read and assented to, the lord chanc. sir Thos. Audley prorogued the parl. to Nov. 3rd following.

The parl. met again at the time appointed by the prorogation; by a commission under the broad seal, directed to Thos. lord Audley, of Walden, lord high chanc. of England, Thos. duke of Norfolk, lord treasurer; Charles duke of Suffolk, lord president of the council, and to his faithful counsellor Thomas lord Cromwell, lord keeper of the privy seal; also to John earl of Oxford, great chamberlain, and Wm. earl of Southampton, lord high admiral of England; they were impowered to prorogue the present parl. from the aforesaid 3d of Nov. in the 31st year of this king, to the 14th of Jan. 1541. On which day it was again prorogued to the 12th day of April next ensuing.

At which time, being once more assembled in the place called the Parliament Chamber, in the old palace at Westminster, the spiritual and temporal lords all present, except the abbots, Cromwell being the first in the list under these titles: Thomas Dominus Cromwell, eques sacri ordinis garteri, custos privati sigilli domini regis, ac suæ majestatis vicegerens, [vicar general,] et officialis principalis ad causas ecclesiasticas.

The *Lord Chancellor* opened the session with a speech to this effect:—"By command of the king's maj. this parl. was first summoned, begun and prorogued; as well for the piety and reverence which he bears to the glory of Almighty God, as for the zeal and paternal affection he has to the lords his assistants in govt. and the whole body of the English nation, his most dear, faithful, and true subjects; that at length, by these parliamentary councils, that thing may be effected, which is most conducive to the glory of God, the security of the kingdom, and the greatest benefit to the commonwealth. Therefore, his maj. now, as before, admonishes, exhorts, demands, and, by his royal authority, commands the lords, both spiritual and temporal, that they would freely, openly, and ingenuously declare their minds, on those things which may seem to tend thereto; and, by their free suffrages, give a sanction to them. And, on the contrary, that they would take care to abrogate and take away all pernicious and adverse errors; that concord, harmony, and prosperity may flourish, and that a perfect union may be established. Conjuring them, that they would not be negligent in these matters, by the duty and reverence they owed to Almighty God, respect to their king, and piety to their country and the commonwealth."—After the chancellor had ended his harangue, with the praises and approbation, as the Journal expresses it, of all the peers,

Thomas lord *Cromwell*, knight of the garter, stood up, and spoke to this purpose:—"He first took notice of the concord which the chanc. had particularly advised amongst them; than which, nothing could be a greater bond for the safety of the king's maj. and the commonwealth. Since nothing could be more wished for, than that a perfect harmony and mutual consent should always subsist between the head and members of this national body. That his maj. loved concord as much as he hated the contrary vice; but he knew very well that there were not wanting many tares which grew up in his field amongst the corn; which, by the boldness and bitterness of some, the inveterate and corrupt superstitious tenacity of opinions in others, excited many contentions and quarrels amongst those, which would otherwise be pious Christians. Some call the others Papists, whilst those again term them Heretics; both wicked in their kinds, and not to be endured; and the less so, by reason of the holy word of God, which his most serene highness, out of his benignity, had suffered to be published in books for the safety and comfort of his people; that they might read, in their native language, how much that most holy gift of God had been miserably abused and perverted. Thus, while some follow heresies and others superstitions, I call it, adds he, a confusion of things, which proceeds from wicked minds. Our most illustrious monarch, who, as much as in him lies, neither favours one nor the other side, but professes himself a most sincere Christian, as a most Christian prince ought to be, neither wavers to the right nor left; but prescribing himself a direct line, guides and directs his steps and judgment by the pure word of God and an evangelistical sincerity.—That therefore all errors may be rooted out to make room for the true religion, his maj. makes it all his serious care and endeavour; and, in this principally, that all well-polished set forms of the holy gospel's true doctrine may be established. Secondly, that all pious ceremonies and customs may be separated from the wicked; their real uses taught and inculcated, and their abuses rectified. And that things may at length go well, all the inhabitants of this island, especially Englishmen,

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should be admonished against books which treat of impious and irreverent subjects, by a wicked perversion and audacious interpretation of sacred writ. Heavy pains and penalties should be laid upon those, who offend in these things, out of malice; that others may take example from thence, and not run headlong to their own destruction; and be punished by laws worthy of the lawgivers.—And, that Christ, the word of Christ and truth, may conquer all errors, in the true exposition and setting forth of the gospel, his majesty hath chosen certain bishops and doctors that will sincerely inform us what belongs to the institution of a Christian man. These, the orator, reckoned up by name; viz. the abps. of Canterbury and York, the bishops of London, Durham, Winchester, Rochester, Hereford, and St. David's; the drs. Thurlby, Robinson, Cox, Wilson, Dey almoner to the queen, Oglethorp, Redman, Edgeworth, Crayford, Symonds, Robins, and dr. Tresham, who were all to treat of the true doctrine of Christ. Other bishops the king had chosen to expound the difference and reasonableness of ceremonies; viz. the bps. of Bath, Ely, Salisbury, Chichester, Worcester, and Llandaff, and to these, said he, the business of examining into rites and ceremonies was committed. Nor would there be wanting, to the assistance of both these committees, his maj.'s own suffrage, sincere and exact judgment to crown the whole. Lastly, that his maj.'s authority might not be despised or made a jest on, all the king's judges and commissaries, who had offended against the known laws of the land, were to be punished, at the discretion of these delegates, by the statutes in force."

The Journals inform us, that great praises and commendations were also bestowed on the king's vicar general, by the lords, for his eloquent speech, and the handsome manner he delivered his maj.'s mind to them. And that they might, as far as in them laid, promote this holy and pious study and design, it was unanimously agreed to set aside every Monday, Wednesday, and Friday, from all other business, to attend to it. And every afternoon of the week should be for the same use; praying to God that he would prosper a work, so well begun, as this seemed to be.

*A Subsidy granted.*] May 8th, a bill for a subsidy of one 15th and a 10th, was brought into the house of lords. There were also the usual taxations, on denizens and aliens, added to it. The clergy also gave 4s. in the pound; which exorbitant demand, says lord Herbert, "was solely laid upon Cromwell, as the occasion, which gained him an universal hatred amongst the people, and was one reason of his sudden fall after it."

*Order of St. John of Jerusalem suppressed.*] The same day a bill was returned from the commons, with one provision by them annexed, for putting into the king's hands all the lands and possessions belonging to the knights of st. John of Jerusalem, which was read and passed. Lord Herbert says, that these reasons were assigned for bringing in this bill: "because the knights of Rhodes, or st. John, otherwise called the friars of the religion of st. John, drew yearly great sums of money out of the kingdom; that they maintained the usurped power of the church of Rome; that they defamed and slandered the king and his subjects; that the isle of Rhodes, whence the said religion took its name, was then surprised by the Turks; and, lastly, that the revenues might be better employed for the defence of the realm." Thus, adds our authority, fell that ancient and pious order; not without much scandal abroad, both to the king and government. The grand prior, who had a principal place in the house of lords, with some others of the order, who were conformable to this reduction, had pensions allowed them for life.

May 11th, after the reading of 6 private bills from the commons, and the lords still sitting, sir Nich. Hare, the Speaker of that house, with the members, came up; to whom the chancellor declared the king's mind to this effect: "that since the feast of Pentecost was now approaching, and it was not possible to put an end to this parl. before that time; and though the king understood that the greatest part of the business which concerned his maj. had been expedited, particularly the Subsidy, for which he returned them thanks; yet his maj. reflecting that this parl. was first called for the establishment of the public good of this kingdom, and a true concord in the Christian religion; and since that great work cannot be so soon perfected, which not only concerns this kingdom of England, but also other nations, and the whole Christian church, who have their eyes and minds set upon their proceedings: therefore his maj. judges it highly necessary that these matters should be more maturely treated and discussed by himself, the bps. and clergy; for which, and several other causes, the king thought fit, by his letters patent, to prorogue this parl. to the 25th of May following; exhorting all the members of both houses to give their attendance at the time aforesaid." Next follows a copy of the king's letters patents for this prorogation.

May 25, the parl. being again assembled, the first thing that was read in the house of peers was a bill to assign a jointure on the king's marriage with the lady Ann of Cleve, now called queen of England. This lady has been mentioned before; the king, during the last prorogation, having forced himself to marry her; but in a very short time we shall find, that this very parl. which now settled a jointure, was equally concerned in a divorce.

*Cromwell attainted and executed.*] June 10, Tho. lord Cromwell, earl of Essex, and the king's vicar-general, was attached of high treason in the council-chamber at Westminster; and by the lord chanc. and other lords there present, committed to the Tower. And on the 17th, a bill of attainder was brought

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into the house, and read against him; which passed both houses, on the 29th, 'nem. con.' Thus this man, who had, from a low beginning, mounted to the summit of glory, was on a sudden cast down; and is another terrible instance, along with cardinal Wolsey, how slippery the footing is of those who depend on the smiles of princes. He was condemned unheard, and executed on Tower-Hill, the 28th of July, four days after the dissolution of this parliament.

*Validity of the King's Marriage.*] July 6th, after the rest of the business was done in the house, the lord chanc. the abp. of Canterbury, the dukes of Norfolk and Suffolk, the earl of Southampton, and the bp. of Durham, partly by the mouth of the chancellor, and partly by their own, spoke to the rest of the peers to this effect: "that they very well knew what bloody and cruel slaughter had formerly been acted in this kingdom, by reason of various contentions, occasioned by dubious titles to the succession of this crown. And since, by the grace of God, all these controversies were ceased, and all those titles were united, by the divine benevolence, in the single person of his most serene maj.; so that no occasion of discord could arise, unless this should happen, That their only hope, the noble prince Edward, undoubted heir to his father's kingdoms, should be taken from them by some sinister accident. In that case, which God avert, it is necessary for the general safety, that some other future heir, by the divine goodness, may be born to them in true and lawful wedlock. And since this is very doubtful by the late-contracted marriage of his maj. and the most noble lady Ann of Cleve, because of some impediments, which, upon enquiry, may arise, to make the validity of that marriage dubious. Also for the quietness and concord of the whole commonwealth in succeeding times, that nothing of this kind should spring up to disturb it, it was their serious advice to their lordships, to take it into the consideration of the whole house: and that a matter of such high concern to every degree of men in the kingdom might be properly considered, it was necessary that the house of commons should be also consulted about it. That afterwards, a committee of both houses should be appointed to wait upon his maj. humbly opening to him, as far as decency would admit of, their doubts and scruples in this matter, and humbly intreating that he would please to acquaint them whether the aforesaid marriage was valid or not; and that his maj. would permit the judgment and decision of this question to be laid before the abps. bps. deans, archdeacons, and the whole clergy of England, now assembled in convocation." The whole house of lords came to an unanimous resolution, on the chancellor's motion, to send some of their members to the commons, to acquaint them with the particulars of it; and to desire that, after due deliberation had thereon, they would send back 6 of their body to inform their lordships of the result of their consultation. The commons sent sir Tho. Cheney, knt. treasurer of the king's household, and sir Wm. Kingston, comptroller, with others, to the number of 20, as a committee of their house, to go along with the lords, without delay, to wait upon his maj. with the aforesaid humble supplication. All the temporal lords, and this committee, accordingly waited on the king, when the chancellor opened the cause of their coming, by first returning his maj. their hearty thanks for all his kindnesses and indulgences to them, particularly for the late act of grace; and then told him, that they had a matter of great moment to communicate, if his maj. would give them leave, and pardon their presumption. The king answered, "that he could never expect that any thing would come from them that was either evil, dishonest, or unreasonable, and therefore bad them speak their minds freely to him." And after the chancellor had delivered the aforesaid address, his maj. again replied, "that indeed their message was of such a nature, that he could neither deny nor grant their request; but that, however, he would refer the disquisition of this important question to the judgment and determination of the clergy, in the convocation of both provinces. In which order, he believed, there were as many grave, learned, honest, and pious men, as could any where be found, who would not say a thing which was not just and right; and to these he would commit the affair for their examinations;" and ordered his letters patents to be made out accordingly. This business was very soon concluded; for we are told by the Journals, that on the 10th of June, the two abps. and the rest of the bps. declared to the house of lords, that they had examined into the affair of the marriage, by virtue of the king's commission directed to them; and that, both by divine and human law, they had found it invalid. Which sentence they produced under the hands and seals of them all; and which, being publicly read and approved on, two of that rev. body were assigned to carry it down to the house of commons for their approbation. And in consequence thereof, a bill was brought in the very next day, concerning the invalidity of the marriage between his maj. and lady Ann of Cleve, which passed the lords the day after; and in a few days more was expedited through the commons. And Henry, who had always another wife ready on the death or divorce of a former, was publicly married to the lady Katharine Howard, niece to the duke of Norfolk.

July 24th, the king came to the house of lords, with the usual ceremony, in order to pass the bills, and to put an end to the parl; sir Nich. Hare, Speaker of the Commons, addressed himself to the king on his throne, to this purport: "The great world contains these several divisions, the divine world, the celestial and the terrestrial worlds. By the similitude of which, man is said to be a microcosm, that is, a little world, and hath also 3 parts, viz. a



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head, a breast and inferior members. And in likeness of these he asserted that the whole English Govt: was constituted; in which the king was the head, the peers the body, and the commons the rest of the machine. In all which, as there ought to be a strict concord betwixt the head and the other parts of a human body, so should there be the same uniformity between the king, the peers and the people. The king is by name acknowledged to be the head of all; and such a head as most happily directs and governs the whole English constitution; by graciously giving up much of his own right for the sake of the inferior members. Instances of which are the present act of grace and pardon; the statute for freely devising two thirds of each man's estate, &c. which all openly testified that both court and country must flourish and be happy under such a ruler; and for which they ought all there present to render him their most hearty thanks." At which words every man stood up and bowed themselves to the throne, and the king returned the compliment by a gracious nod from it. After this the Speaker went on, and said, "that the whole people of England, in order to shew some gratitude to his maj. to whom they thought themselves so much obliged, that they could never pay him according to his merit; had, lest they should seem unmindful of such benefits, joined in granting a Subsidy, by the consent of both houses, which they freely offered to him. And lastly begged his maj. would condescend to give the royal assent to the rest of the bills made ready for that purpose."—The ld. chanc. then dissolved the parl. For the titles of the acts passed in it, we refer the reader to our List at the end of this reign.

*A Rebellion in Yorkshire.*] Soon after the dissolution of this parl. a rebellion broke out in Yorkshire, under the conduct of sir John Nevile. The king however took care to have it suppressed betimes; and the leader of it was executed at York. This gave occasion for the execution, also, of the old countess of Salisbury, who had then been a prisoner two years, in the manner before recited. A jealousy that this insurrection was set on foot by her own, or her son cardinal Pool's instigation, occasioned it. Not long after which, Henry resolved to make a progress, in person, into Yorkshire; not so much, says lord Herbert, "to extinguish the relics of the last commotion, as those of superstition, miracles and pilgrimages. For though the king continued his rigour against those that disputed either his authority or the six Articles, and sacrificed many on that score; insomuch that, (as both the reformers, and those that were maintainers of the pope's supremacy, suffered equally) his enemies said, that, while he admitted neither side, he seemed to be of no religion at all. Yet this was but calumny, for he stood firmly to his great work of reformation; as the abovementioned design, in the northern progress, is a particular instance." Henry met with some vexation in the midst of this expedition. His nephew James, king of Scots, had promised to meet him at York; but when every thing was ready for the royal interview, James sent him word he could not come. This slight was highly resented; but he met with a much greater trouble on his return to London. For, he was no sooner arrived, than he was credibly informed that his new queen Catherine, who had been with him all his progress, had been guilty of incontinency before he married her. The proof against this unhappy lady was somewhat stronger than against any of his former wives, as may be seen in lord Herbert; who seems to suppress a good deal, in regard to the noble family from whence she sprung. But, notwithstanding this, Henry was somewhat puzzled how to get rid of her; and was obliged to have recourse to his old method of referring his difficulties to a parliament.

*A Parl. called.*] Accordingly, a new one was called to meet at Westminster, on the 16th of Jan. 1542. Where being all assembled, Thos. lord Audley, still ld. chanc. opened the cause of the summons in a grave and eloquent speech, say the Journals, but of so uncommon and immoderate a length, that the clerks, being busy on different affairs, could not attend to take, even, the heads of the whole speech; which, they add, would take three hours to write down, and one to read. What they could collect, under the title of *Compendium Orationis*, is to this effect:—"First, the chanc. declared in what manner David began his reign over the people of God, the Israelites; he did not pray that honours and riches might be heaped upon him, but only that his understanding and wisdom might be enlarged. 'Give me understanding, that I may search thy law,' as it is in the psalms. This understanding he asked for, that he might the better learn the things equally necessary for both prince and people. Such was the case, also, in our sovereign lord the king; who, when his most sacred maj. first came to the crown, wished for nothing more ardently, or fervently, than that God would bestow on him wisdom and understanding. The Almighty anointed him with the oil of sapience above his fellows; above the rest of the kings in the earth, and above all his progenitors. This, he added, very plainly appears in three more shining qualities than others. In the perfect knowledge of the word of God, the chiefest glory in a king; in the exact understanding of the art military, which is the 2d virtue in a prince, and in politic knowledge, which holds the 3d place; as bringing the greatest good to the commonwealth. For the 1st, he commended to them all to think, along with himself, how his maj. had overthrown and vanquished that Roman Goliah, with a sling and a stone. The staff of the sling, said he, was the king; the stone was the word of God; and the sling was made of thread, twisted by preachers; which threads, or arguments, were no longer, more sure, or more substantial than they ought to be.—To the 2d, he desired the Lords and

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Commons to call to mind the king's great victories, both in France and Scotland. Which were made more glorious, in that they were gained, at one and the same time, in different kingdoms.—To the 3d, he, again, commended to them all to reflect, along with himself, on the peace which had now continued entire and inviolate for 30 years together. When, in that time, almost the whole universal world was distracted with fatal wars; and princes sought to destroy each other by fire and sword.—Next he laid before their eyes, what castles on the sea coasts had been new-built, what others repaired, which for future ages would terrify our enemies, and defend the kingdom from invasions. Lastly, he desired them to consider, that a very few years last past, many civil dissentions had been composed without bloodshed, by the king's conduct. And at length, that the Irish nation, a people barbarous and savage, had been reduced to obedience; insomuch, that a nation, hitherto untractable, now desired to submit to his laws.—These, and an innumerable number of benefits, conferred upon them by their most illustrious prince, he desired them to remember. From whence it plainly appeared that he, like David, from the beginning, had prayed to God for understanding to expound the laws. And also to pray so effectually, that no king commemorated in history, could be compared to him."—At which words, all the peers, as well as the commons, stood up and bowed to the throne, with that reverence, as plainly shewed, says the Journal, with what willing minds they owned his empire over them; and what they owed to God, who had committed the govt. of the kingdom to the care of such a prince. Then the chancellor turned his discourse to inform the assembly, why they were called to meet at the present time. He told them, "That his maj. had summoned his great council, consisting of 3 distinct bodies, the clergy, lords, and commons, as the representatives of the people. That these 3 orders or states should meet as the whole body of the English commonwealth. That from thence they might learn each man's particular inclinations and qualities; and if by chance any defect or excess be found in the govt. by their common advice and his maj.'s authority, it might be amended, and the law made more vigorous by taking away superfluities. But, adds the orator, there yet remains 3 principal causes for calling this assembly. The 1st concerned the honour, praise, and glory of God, by an unity in faith and concord in religion; sifting of different opinions, if by chance any new one had sprung up, or there was yet any old one left to abrogate. And here he mentioned some particular royal laws, or proclamations; as, for the true preaching of the gospel; for hospitality amongst the clergy; and forbidding pluralities, &c. Secondly, what chiefly appertained to their own govt. viz. that it ought to be strictly looked into, whether the king's laws were every where obeyed by the king's subjects; and, if despised, why they were made? For many laws to the no small hurt of the commonweal, remain perfectly unknown. This concerned the oppression of the poor; the power of evil doers, who would observe and keep some laws, whilst they violated others; yet so, as they themselves would explain their meaning.—Also, the great number of engrossers; the dearness of victuals in a time of such abundance, and against sturdy beggars. The 3rd cause for the summons was, that they might search into and examine whether any new vices had broke out in the commonwealth, against which there were no laws yet made. That if they came in use, then new laws should be enacted; in the same manner, as for new and unheard of diseases, new drugs and medicines are sought after and tried. He then told them, that in the framing such laws, the circumstances of the crimes and the qualities of the persons ought chiefly to be considered. For example, an injury received from a friend or a familiar, is heavier than one from an open enemy, or an unknown person; and for this reason the crime of high treason ought to be more heavily punished."

Here the Journal breaks off abruptly, just when the orator was coming to the real point, or cause, for which this parl. was called. Whether this was done by negligence or design, in the clerks, is uncertain; perhaps, the latter; that the queen's disgrace might not appear so openly on record, in which the king's honour, to which was then paid the highest veneration, was but too much concerned. On the 20th day of Jan. the commons presented to the king, in parl. Thos. Moyle, esq. as their Speaker. Whose excuse for disabilities, &c. being not allowed, he made the usual protestation for liberty of speech, and was confirmed.

*Proceedings on the attainder of Queen Catherine, &c.*] Jan. 21, a bill was brought into the house, and read a first time for the attainder, on the charge of high treason, of Catherine Howard, late queen of England, Jane lady Rochford, with others. And in the same bill was contained the attainders, on misprision of treason, of Agnes Howard duchess of Norfolk, Wm. Howard, &c. On the 28th, the ld. chanc. declared to the rest of the peers, "How much it concerned all their honours, not to proceed to give too hasty a judgment on the bill for the attainder of the queen and others, which had yet been only once read amongst them. For that they were to remember that a queen was no mean or private person, but an illustrious and public one. Therefore, her cause was to be judged with that sincerity, that there should be neither room for suspicion of some latent quarrel, or that she should not have liberty to clear herself, if perchance, by reason or council she was able to do it, from the crime laid to her charge. For this purpose he thought it but reasonable, that some principal persons, as well of the lords as commons, should be deputed to go to the queen, partly to tell her the

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cause of their coming, and partly in order to help her womanish fears, by advising and admonishing her to have presence of mind enough to say any thing to make her cause better. He knew for certain, that it was but just that a princess should be judged by equal laws with themselves; and he could assure them, that the clearing herself in this manner would be highly acceptable to her most loving husband. But that some answer ought to be had from her, and to report the truth of it to his maj. his advice was, that they should choose the abp. of Canterbury; Charles duke of Suffolk, grand master of the household; Wm. earl of Southampton, lord privy seal; with the bp. of Westminster; if the king's council approved of this, day after day, to repair to the queen, to treat of this matter, according as their own prudence might think it necessary." And in the mean time, the sentence concerning the bill against her majesty was ordered to be suspended.

Jan. 30, the chanc. declared to the lords openly, that the privy council, on mature deliberation, disliked the message that was to be sent to the queen; nevertheless, in the mean time, they had thought of another way, less faulty, to be put to the king, or rather to be altogether demanded of him: "1st. that his maj. would condescend, according to his usual wisdom in council, to weigh by an equal balance, the mutability of all human affairs; that nature is weak and corrupt; none made free from accidents; and that no man can be happy in every thing. That the whole state of the kingdom depends on his maj.'s resolution to divert his mind from all trouble and solicitude. Next, that the attainder of Tho. Colepepper and F. Dereham, with the king's assent, should be confirmed by authority of parl. Also the attainder on misprision against lord Wm. Howard. And that the parl. might have leave to proceed to give judgment, and to finish the queen's cause; that the event of that business may be no longer in doubt. 3rd, that when all these things are completed in a just parliamentary method, without any loss of time, that then his maj. would condescend to give his royal assent to them; not by being present and speaking openly, as the custom hath been in other parliaments, but absent, by his letters patents, under the great seal of England, and signed by his own hand. That the remembrance of this late and sorrowful story and wicked facts, if repeated before him, may not renew his grief and endanger his maj.'s health. Lastly, they were to beseech his maj. that if by chance, by speaking freely on the queen, they should offend against the statutes then in being, out of his great clemency, he would pardon all and every of them for it. And to propound all these matters to his maj. the abp. of Canterbury, Charles duke of Suffolk, with the earl of Southampton, were deputed for that purpose."

Jan. 31, the lord chanc. declared to the house, "that their message and request of yesterday had been delivered to his maj. by the lords commissioners; and that the king had denied no part of their petition, but had orderly granted every part of it. That he had returned them thanks for their loving admonition in regard to his health; which he said he took care of, not so much for the sake of his own body, as that of the whole republic. Nay, his maj. declared further to them than they durst ask of him, as in the case of desiring liberty of speech, &c. For he told them he granted yet more, in giving leave for each man to speak his mind freely, and not incur the penalty which the laws had fixed on those who took the liberty to talk on the incontinency of queens; especially when the said person did not do it out of malice or ill will, but out of zeal for his service."—After this the chancellor declared to the lords, "that as soon as the lords commissioners were dismissed from his maj. a deputation of some principal members from the Commons were admitted to his presence. But what was done or said by them, the chancellor did not well know; only he supposed, that they came to deliver much the same message or petition with their lordships. Adding, that when the commons were dismissed, he commanded that both the Lords and Commons should again be brought before him together. At which time his maj. gravely admonished them, that they should take great care in the framing of good laws, and the due observation of them. That no man should think he was doing his own business singly in parl. or that he was called thither for the sake of his own advantage; but to do the work tending to the good of the public: and that every single peer should reflect how much he owed to the absent multitude. For which reason it behoved both peers and commoners to be unanimous; to have frequent meetings, and talk together of the present business, of the proposed statutes or bills as they are called, which are before them. For his maj. had heard, and with sorrow too, that the present practice of the members of these houses was quite the reverse; bills being rejected as disadvantageous to the commonwealth, only because they could not be understood by the opposers; nor would those that introduced them take the trouble to make them more intelligible, by explaining their proper sense: so that many good bills have lost the force of law, while each party was too obstinate to acquaint the other with their meaning."

Feb. the 11th, the lord chanc. produced two statutes, which had passed both lords and commons; one concerning the attainder of the queen, and the other about the method of proceeding against lunatics, who before their insanity had confessed themselves guilty of high treason. Each statute signed with the king's own hand, and together with his maj.'s assent to them, under the broad seal, and signed also, which was annexed to the said statutes. This the chanc. held forth in both hands, that both lords and commons, who

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were called for that purpose, might apparently see it, and that the statutes might from thence have the full force and authority of a law. Which, when done, the duke of Suffolk, grand master of the king's household, delivered himself, in a very serious discourse, to this effect: he told the houses, "that he and his fellow-deputies, appointed to wait upon the queen, had been with her; and that she had openly confessed and acknowledged to them the great crime she had been guilty of against the most high God and a kind prince, and lastly against the whole English nation. That she begged them all to implore his maj not to impute her crime alone to her whole kindred and family. But that his maj. howsoever unworthy she might be and undeserving, would yet extend his unbounded mercy and his singular beneficence to all her brothers, that they might not suffer for her faults. Lastly, to beseech his maj. that it would please him to bestow some of her cloaths on those maid-servants who had been with her from the time of her marriage, since she had now nothing else left to recompence them as they deserved." The earl of Southampton, lord privy seal, next stood up in the house, and, in near the same words, confirmed what the duke had said: adding - - - Here the Journal Book again breaks off abruptly, and we are only told that the chancellor prorogued the parl. to the Tuesday following. This last 'hiatus in manuscripto,' along with the former, makes it seem evident, that they were not done by neglect of the clerks, but by design; and that it was a trick of state, to prevent posterity from being acquainted with some matters, not consistent with the respect they then paid to their grand monarch. The parl. was prorogued from the 11th to the 14th of Feb. and on the 13th the queen and lady Rochford were beheaded on Tower-Hill. April 1, the king came to the house of lords, when we are only told by the Journal that the parl. was prorogued to the 3rd of Nov. following.

*Privilege of Parliament.—Proceedings on the arrest of a Member.*] We shall only mention one thing more, which happened during this session, related by lord Herbert, as a wrong done to the antient Privilege of Parliaments. It seems, that a member of the Commons was arrested, in an action of debt, whilst the house was sitting. The king was no sooner informed of this, than he not only permitted the Commons to release him, but he punished the offenders. The two sheriffs of London were committed prisoners to the tower; one of the bailiffs to a place called little-ease, and the rest to Newgate. "By which means," adds he, "the king, whose masterpiece it was to make use of his parliaments, not only let foreign princes see the good intelligence between him and his subjects, but kept them all at his devotion." This is all the noble historian says of this matter: but Hollingshead is much more circumstantial about it: "Because," says he, "as the case hath been diversely reported, and is commonly alledged as a Precedent for the Priviledge of Parl. he had endeavoured to learn the truth thereof; and to set forth all the circumstances, at large, from those, who, by their instructions, ought best to know and remember it."—The member's name was Geo. Ferrers, esq. a servant of the king's, and elected a burgess for the town of Plymouth. One day as he was going to the parl. house he was arrested by a process out of the king's bench, at the suit of one White, for the sum of 200 marks, for which he stood engaged, as a surety, for one Weldon, of Salisbury, and carried to the counter in Broad-street. Sir Tho. Moyle, knt. the Speaker, being informed of this, acquainted the house with it, who forthwith ordered the serjeant at arms to repair to the said prison and demand the prisoner.—The serjeant went immediately to the counter, but the clerks and officers there were so far from delivering the prisoner, that they forcibly resisted him; broke the serjeant's mace, and knocked down his servant. During this squabble, the two sheriffs of London, Rowland Hill and Hen. Suchcliff, came thither, to whom the serjeant complained of this abuse, and of them required the delivery of the imprisoned member; but, they, not only denied to deliver him, but treated the serjeant very contemptuously; and he was forced to return without him to the house.—Finding the members still sitting, the serjeant declared to the Speaker all the circumstances of his ill usage; upon hearing of which, the whole house, among whom were several of the king's privy council and chamber, would sit no longer without their brother member, but rose up and went in a body to the lords, where their Speaker informed the chanc. what a great indignity was put upon them. The lords and judges there assembled took the contempt to be of a very high nature, and referred the punishment of it to an order of their own house. The commons returning, after some debate on the case, soon came to a resolution to send their serjeant to the sheriff's house, and require the delivery of the prisoner without any other warrant. For though the lord chanc. had offered his writ to them, they refused it, as judging that their commands were to be executed by their own serjeant, with his mace, without any other authority.—But before the serjeant at arms came with this second message, the sheriffs had been told how heinously the matter was taken; and therefore they now delivered the prisoner to him without any hesitation. But the serjeant's orders went further; he charged the sheriffs to appear personally before the house at 8 o'clock the next morning, and bring with them the clerks of the counter, and such other officers as were concerned in the affray.—The next day the sheriffs, &c. appeared at the bar of the house, when the Speaker charged them with the contempt and misdemeanour, and commanded them to answer, immediately, without allowing them any counsel; though sir Roger Cholmley, recorder of London, and others of the city

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counsel, offered to speak in the cause. In the end, the sheriffs, and White, the prosecutor, were committed to the tower, and the rest to Newgate as aforesaid. There they remained 2 days, and then, on their own petition, and at the humble request of the lord mayor of London, and other friends, they were discharged.—But, there still remained another difficulty to settle. The said Ferrers, being condemned in the debt, and lying in execution for it, but released by the privilege of parl. could not, by law, be again put under execution for the same debt; and so the party was left without remedy for his debt, as well against him as his principal debtor. This knotty point in law was debated in the house for 9 or 10 days together. At last it was resolved to make a particular act, to revive the execution of the said debt against Weldon, the principal, and to discharge Ferrers of it. This occasioned a division in the house, and it was only carried for Ferrers by 14 voices."

The same authority informs us, that the king, being advertised of these proceedings, called before him the lord chanc. and his judges, with the Speaker of the commons, and several of the chief members of that house; to whom he declared his opinion to this effect:—"He first commended their wisdoms in maintaining the Privileges of their House; which he would not have infringed in any point. He alledged that he being the head of the parl. and attending in his own person on the business thereof, ought, in reason, to have privilege for himself and all his servants, in attendance on him. So that if Ferrers had been no burgess, but only his servant, in respect of that he ought to have privilege as well as any other. For I understand, says he, that you enjoy the same privilege, not only for yourselves, but even for your cooks and horse-keepers. My lord chanc. here present hath informed me, that when he was Speaker of the lower house, the cook of the temple was arrested in London, on an execution upon the statute of Staple. And, because the said cook served the Speaker in that office, he was taken out of execution by the privilege of parl. Likewise the judges have informed us, that we at no time stand so high in our estate royal as in the time of parl.; when we as head, and you as members, are conjoined and knit together into one body politic; so that whatsoever injury is done or offered during that time, against the meanest member of the house, is judged as done against our own person, and whole court of parl. The prerogative of which court is so great, that, as our learned in the laws inform us, all acts and processes, coming out of any other inferior courts, must for that time cease and give place to the highest.—And, as touching the plaintiff in this cause, it was a great presumption in him, knowing our servant to be one of this house, and being warned of it before, still to prosecute this matter, out of time; and therefore was well worthy to lose his debt, which I do not wish; and most commend your equity, that having lost it by law, you have restored the same against him that was his debtor. And, if it be well considered what an expence it hath been to ourself and you all, as well as loss of time, which should have been employed in affairs of our realm, to sit here near a fortnight, about this one private case, he may think himself better used than his desert. This I hope will be a good example to others, to learn better manners; and not to attempt any thing against the privileges of this high court of parl. but to stay for a proper opportunity. This is my opinion, and if I err, I must refer myself to the judgment of our lord justices, here present, and the other learned of the laws."—Upon which, sir Edw. Montacute, lord chief justice, very gravely gave his opinion, confirming, by divers reasons, all that the king had said; which was assented to by all the rest, no one speaking to the contrary."

*War with Scotland and France.*] In Oct. 1542 war was proclaimed against Scotland; and when the parl. met on the 3rd of Nov. according to prorogation, they were again adjourned to the 22nd of Jan. following. In this short interval, a war with France was also resolved on; and, in order to raise money to support the expence of both, the parl. was summoned to meet, at the time appointed, in order to sit to do business. In the Journals is no opening of this 2nd session by the ld. chanc.'s declaration, as usual. And, though the houses continued sitting from the time aforesaid, to the 12th of May, 1543, yet there are no particular speeches, or declarations, made by any of the great officers of the crown, to be found in those records. On which last mentioned day, the king came to the lords, and again prorogued this parl. to the 3rd of Nov. following.

*Acts passed.*] The principal act that passed both houses, had the grant of another subsidy from the laity included in it. It was ordered to be paid to the king, in 3 years, after this manner:—"they who were in goods worth 20s. and upwards to 5l. paid 4d. of every pound; from 5l. to 10l. 8d.; from 10l. to 20l. 1/4; from 20l. and upwards, 2s. All strangers, as well denizens as others inhabiting here, double the sum; strangers not inhabitants, that were 16 years old and upwards, paid 4d. for every head or pole. As for lands, fees and annuities, every native paid 8d. in the pound from 30s. to 5l.; from 5l. to 10l. 1/4; from 10l. to 20l. 2s.; from 20l. and upwards, 3s.; strangers still after all these rates doubling the sum. As for the clergy, they granted a subsidy of 6s. in the pound, to be paid off their benefices in perpetuity, in 3 years following; and every priest having no perpetuity, but an annual stipend, paid yearly, during the said 3 years, 6/8. Besides which, by occasion of a dearth of victuals, a sumptuary law was made, whereby the mayor and sheriffs of London, as also the serjeants and yeomen of their houses, were limited to a certain number of dishes: they were also forbidden to buy certain kinds of

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fowl. Nevertheless, in regard of the great confluence of people in this parl. time, and the scarcity of fish, the king, by proclamation, dispensed with eating of white-meats in lent, forbidding yet the eating of flesh so strictly, that Henry earl of Surrey, with divers lords, knights and gentlemen, were imprisoned for offending herein." The preample to the above grants sets forth "the expence the king had been at in his war with Scotland, and for his other great and urgent occasions." By which was meant the war with France, which broke out, in earnest, the next summer.

*Act for reformation of Religion.*] Cranmer, and the other reformers, took this opportunity to push on the great affair of reformation; and, though it was much opposed in parl. yet Burnet informs us that his resolution carried it through, though not in so clear a method as he proposed it; for the bill was clogged with many provisos, which rendered it very much short of what he designed. The title of this bill is, "an act for the advancement of true religion, and abolishment of the contrary." The preamble sets forth "that many seditious and ignorant people had abused the liberty granted them for reading the Bible; and great diversity of opinions, animosities, tumults, and schisms, have been occasioned by perverting the sense of the scripture. To retrieve the mischiefs arising from thence, it is enacted, that a certain form of orthodox doctrine, consonant to the inspired writings, and the doctrine of the catholic and apostolic church, shall be set forth as a standard of belief; That Tindal's false translation of the Old and New Testament, and all other books touching religion in the English tongue, contrary to the Articles of Faith, or that Summary of Doctrine published by the king in 1540, or any time after during his maj.'s reign, shall be suppressed, and forbidden to be read in the king's dominions.—All printers and booksellers are prohibited printing or vending any of the said books. The exposing the doctrine of the religion established, in plays and ballads, is likewise prohibited under deep forfeitures and imprisonment. All books likewise impugning the Holy Sacrament of the Altar, or maintaining the damnable opinions of the Anabaptists, are prohibited under forfeitures and fines. The reading the Bible is likewise prohibited, to all under the degrees of gentlemen and gentlewomen." After this follows a proviso of some liberty: "that it shall be lawful for all persons whatsoever, to read or teach all such doctrine, as is or shall be set forth by his maj. since the year of our Lord 1540. And also the Psalter, Primer, Pater-Noster, Ave, and Creed in English. And if any spiritual person shall preach or maintain any thing contrary to the doctrines abovementioned, he shall recant for his 1st offence, abjure for his 2nd, and bear a faggot; and for a farther relapse shall be adjudged an heretic, suffer the pains of burning, and forfeit all his goods and chattles.

In 1543, Henry married the lady Catherine Parr, widow to the lord Latimer, who was esteemed a lady of great worth. Soon after, Wm. lord Parr, her brother, was made earl of Essex, and others of her relations preferred. "In short," says lord Herbert, "the king lived apparently well with her for the most part; but all this seemed nothing to him, unless he parted always in good terms with his parliaments; for he accounted a parl. his most loyal spouse; and not without reason, for he never desired any thing of them which they did not perform." Some more instances of which we meet with in the next session, which began Jan. 14, 1544.

*Henry assumes the title of King of Ireland.*] We meet with nothing remarkable in this session, but the bill brought into the lords for altering the king's stile or title. Henry had thought fit, some time before this, to assume to himself the title of "King of Ireland;" and had prevailed upon the parl. there to recognize him as such. And, now being laid before the house of lords, in England, they also passed it, and sent it down to the commons. But, on the 4th of Feb. a committee was sent from the lower house, to desire a conference with the lords about it. The lords readily agreed to this, and appointed 12 of their house, who were to meet on the morrow, at 8 o'clock in the morning, with a committee of the same number from the commons, in the parl. chamber, to consult together about this business. We are not told by the Journal what was done or said at this conference; but that the next day, the bill for altering the king's stile was sent from the commons; and the clerk takes notice, that it must be a new bill, probably agreed upon by the commissioners, since it was read again, and passed in the lords as such. It was ordained by this act, that the king's stile of "king of England, France, and Ireland, defender of the faith; and of the church of England, and also of Ireland, in earth, the supreme head," shall be united and annexed for ever unto the imperial crown of this realm of England. By this act also it was declared, where and before whom treasons committed out of the realm should be tried.

*Act for settling the Succession.*] Feb. 7th, another act, of still more public concern than the former, was brought into the lords, and read a 1st time. This was to settle the succession to the crown, after the demise of the king; whereby the princess Mary, daughter to Katharine, his first queen, was declared legitimate, and put under a possibility of succeeding to the throne. And the whole business was settled among his children in such a manner, as far as by our laws a king is warranted, that all cause of competition was taken away by it. The act passed both houses on the 16th, without opposition; and since bp. Burnet hath abridged it, we think it worthy of a place in these enquiries. The act contains, "that the king being now to pass the seas, to make war upon his ancient enemy the French

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king, and being desirous to settle the succession to the crown; it is enacted, that in default of heirs of prince Edward's body, or of heirs by the king's present marriage, the crown shall go to the lady Mary, the king's eldest daughter; and in default of heirs of her body, or if she do not observe such limitations or conditions as shall be declared by the king's letters patents under his great seal, or by his last will under his hand, it shall next fall to the lady Elizabeth, and her heirs; or if she have none, or shall not keep the conditions declared by the king, it shall fall to any other that shall be declared by the king's letters patents, or his last will signed with his hand. There was also an oath devised, instead of those formerly sworn, both against the pope's supremacy, and for maintaining the succession in all points according to this act: which, whosoever refused to take, was to be adjudged a traitor; and whosoever should, either in words or by writing, say any thing contrary to this act, or to the peril and slander of the king's heirs, limited in the act, was to be adjudged a traitor."

March 29th, when the whole business of this session was expedited, the Lords, in their parliament-robes, and the whole house of commons, with their Speaker, all waiting the king's coming to put an end to it, the duke of Norfolk, lord treasurer, in the absence of the lord chanc. who was then on his death-bed, acquainted the house, "that the king was prevented from coming to them by some urgent business that required dispatch; but that his maj. considering how long this session had lasted, and that none had absented from it, with the expence that must attend such a stay; likewise the great labour and pains they had taken in framing a set of new laws, which his maj. had carefully perused. Therefore he had first commanded him to acquaint them, in his maj.'s name, that he sincerely thought them no less good subjects to him than useful ones to the republic. That his maj. had also commanded him to praise their studious and honest intentions; not doubting, but that their practice and his love to them for it would ever continue. Lastly, the duke said, he, an humble subject, was commanded to tell them, in his maj.'s name, that to all the bills which they had got ready, he would give his royal assent. Adding, that his most serene highness had not done this only by his mouth, but had also sent his letters patents to confirm it." After which follows a copy, in English, of the letters patents, wherein is recited the titles of all the bills that were to be by the royal assent passed into statutes. Which being read by the clerk of parl. the whole assembly, says the Journal, burst out into loud praises and encomiums on their good king, who thought his subjects worthy of such good laws. Then the duke of Norfolk proceeded to tell them, "that now they were all sensible in what good part his maj. had taken their labours, by condescending to give his royal assent to all and singular their bills, none but one, relating to the reserving of tenures, excepted; which was then ordered to be cancelled." The duke, lastly, told them, "that his maj. thought this a fit, if not a necessary opportunity, that every one of them should return to their own homes. The wars now breaking out on every side, and his maj. intending this summer, by God's grace, to assert his just right to his patrimony in France, their longer stay might be a hinderance to his preparation; he had therefore granted his letters patents, to commission certain lords to dissolve this parl.; which, after reading of the said commission, was dissolved accordingly." In the Journals are the titles of 25 public and private acts; in the Statute-Books only 18: for the titles of the public acts see our list at the end of this reign.

*Money raised by a Benevolence.*] Levies and preparations were now made to carry on the war, both against France and Scotland; and over the latter kingdom Henry's army gained great advantages, by the taking and burning of Edinburgh, and other towns in that neighbourhood. Nor was he less solicitous about France, having transported an army of 30,000 men to Calais, and actually went over to conduct the war in person. Lord Herbert, and the larger English historians, may be consulted for a particular account of these wars. Whatever the success was, it may well seem not to be worth the expence, when the king's necessities drove him to very mean ways to raise money for carrying it on. For though he had much enriched himself with the revenues of the suppressed abbies, and besides had great subsidies and loans from his subjects; yet fortifications, shipping, and other provisions had exhausted his treasure. Add to this, he found out that his crafty neighbours had well nigh drained his kingdom of the current money, whilst they made great advantage of it in their own. To remedy which evil, the king both enhanced our gold from 45s. to 48s. an ounce, and silver from 3s 9 to 4s. He likewise caused some new-coined base money to be made current, though not without much murmuring. He had borrowed also divers sums of money of different people, giving them privy seals for their security. But all not supplying the vast expence of the war, Henry set on foot the old practice of raising money by a Benevolence; and, in 1544, he appointed commissioners to collect it, beginning at London with the lord-mayor and aldermen. It is remarkable, that amongst those magistrates there was one, called Read, that refused to pay his share. On which he was seized, and sent to serve in the war against the Scots; where, in the battle at Ancram, the next spring, he was slain. Many excused themselves also by their penury; in regard the king had taken up so much corn from them this year for his use, and not as yet paying for it; so that, in effect, this Benevolence raised not so much money as Henry expected, and what was collected came with much grudging.

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*A Parl. called.*] All these ways and means not answering Henry's purpose, writs were sent out for a parl. to meet at Westminster, on the 23rd of Nov. 1546. The clerks have again neglected to insert the initiating speeches and ceremonies at the opening of this parl. in the Journal; and we meet with nothing more than the names of the peers and the receivers and triers of petitions. Nov. 27, a bill was brought into the lords for the abolishing of heresies, and of some books tainted with false opinions. It was read a 1st time, and committed to the abp. of Canterbury, the lord Pawlet, the earls of Hertford and Shrewsbury, the bps. of Ely, Sarum, and Worcester, the lords De la Ware, Morley, and Ferrers for examination.

Dec. 14th a bill was brought up to the lords from the commons, by sir Tho. Cheney, treasurer of the household, and others, for granting a Subsidy to his maj. And the next day, another bill was read a 1st time, for the dissolution of all colleges, chantries, hospitals, free chapels, &c. Which bills passed both houses, without any opposition. The subsidy was 2/8 in the pound on goods, and 4s. in the pound on land, to be all paid within two years. The clergy also granted 6s. in the pound, which was afterwards confirmed, as the custom then began, by the whole parl. But the bill for the Dissolution of Colleges, &c. made much more noise in the world; and, as lord Herbert well observes, "nothing could be pleaded in excuse for it but the king's necessities, which every man must think violent, when, adds he, they retrenched upon the reverend foundations of colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and stipendary priests, which had continuance in perpetuity. Together with all their manors, lands, and hereditaments, which were now committed to the king's disposal; and that they should be in the order and survey of the court of Augmentations; the right to others yet saved, and several provisions yet made. The motive for bringing in this bill was alledged to be the king's great charges in his wars with France and Scotland, as also the abuses of the rulers and governors of the said colleges, &c. Upon which, and the king's solemn promise to the parl. that 'all should be done to the glory of God, and common profit of the realm,' the bill was passed." There are no less than 32 titles of acts passed in this parl. in the Journals; the Statute Books give us only 25.

*The King's Speech at proroguing the Parl.*] The parl. continued to sit till Christmas Eve, when the king came to the house, passed bills, and prorogued it to the 4th day of Nov. in the next year. This is all that is entered in the Journals; but historians are not so silent; for we are told, that after the Speaker of the Commons had made an elegant oration, on presenting the bills to the king, his maj. in person made the following answer:*

"Although my chancellor for the time being, hath before this time used very eloquently and substantially to make answer to such orations, as hath been set forth in this high court of parl.; yet is he not so able to open and set forth my mind and meaning, and the secrets of my heart in so plain and ample a manner, as I myself am, and can do. Wherefore, I, taking upon me to answer your eloquent oration, Mr. Speaker, say that where you, in the name of our beloved commons, have both praised and extolled me, for the notable quality that you have conceived to be in me, I most heartily thank you all, that you have put me in remembrance of my duty; which is, to endeavour myself to obtain, and get such excellent qualities and necessary virtues, as a prince or governor should, and ought to have; of which gifts I recognize myself both bare and barren; but of such small qualities as God hath endowed me withal, I render to his goodness my most humble thanks, intending with all my wit and diligence, to get and acquire to me such notable virtues, and princely qualities, as you have alledged to be incorporated in my person. These thanks for your loving admonition and good counsel first remembered, I eftsoons thank you again, because that you considering our great charge, not for our pleasure, but for our defence; not for our gain, but to our great cost, which we have lately sustained; as well in defence of your and our enemies, as for the conquest of that fortress, which was to this realm most displeasant and noisome, and shall be, by God's grace, hereafter to our nation most profitable and pleasant; have freely of your own minds granted to us a certain subsidy here in an act specified, which, verily, we take in good part, regarding more your kindness, than the profit thereof; as he that setteth more by your loving hearts than by your substance. Besides this hearty kindness, I cannot a little rejoice, when I consider the perfect trust and confidence which you have put in me, as men having undoubted hope, and unfeigned belief in my good doings, and just proceedings for you; who without my desire or request, have committed to mine order and disposition, all chantries, colleges, hospitals, and other places specified in a certain act, firmly trusting that I will order them to the glory of God, and the profit of the commonwealth. Surely, if I, contrary to your expectation, should suffer the ministers of the church to decay; or learning, which is so great a jewel, to be minished; or poor and miserable to be unrelieved; you might say, that I being put in so special a trust, as I am in this

* This speech is in Hall's Chronicle, who very probably heard it; for he says, it is as near taken as he is able to report it. Bp. Burnet says, that he cannot sufficiently wonder that no entry is made in the Journals of this speech; yet it is not to be doubted but Henry made it, since it was published by Hall soon after.



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case, were no trusty friend to you, nor charitable to mine, nor even a christian, neither a lover of the public wealth, nor yet one that feared God, to whom account must be rendered of all our doings. Doubt not, I pray you, but your expectation shall be served more godly and goodly, than you will wish or desire, as hereafter you shall plainly perceive. Now, since I find such kindness on your part towards me, I cannot chuse but love and favour you; affirming, that no prince in the world more favoureth his subjects than I do you, nor no subjects or commons more loved and obeyed their sovereign lord, than I perceive you do me; for whose defence my treasure shall not be hidden, nor if necessity require, my person shall not be unadventured. Yet, although I wish you, and you wish me to be in this perfect love and concord; this friendly amity cannot continue, except both you my lords temporal and my lords spiritual, and you my loving subjects, study and take pains to amend one thing, which surely is amiss, and far out of order, to which I most heartily require you, which is, that charity and concord is not among you, but disorder and dissention beareth rule in every place. St. Paul saith to the Corinthians, in the 13th chap. 'Charity is gentle, charity is not envious, charity is not proud,' and so forth, in the said chapter. Behold then, what love and charity is among you, when the one calleth another heretic and anabaptist, and he calleth him again papist, hypocrite, and pharisee; be these tokens of charity amongst you, are these signs of fraternal love between you? No, no, I assure you that this lack of charity amongst yourselves, will be the hinderance and asswaging of the fervent love between us, as I said before, except this wound be salved, and clearly made whole. I must needs judge the fault, and occasion of this discord, to be partly by negligence of you, the fathers and preachers of the spirituality: for if I know a man which liveth in adultery, I must judge him a letcherous, and a carnal person: if I see a man boast and brag himself, I cannot but deem him a proud man. I see here, daily, that you of the clergy preach one against another, teach one contrary to another, envy one against another, without charity or discretion; some be too stiff in their old mumpsimus, others be too busy and curious in their new sumpsimus. Thus all men, almost, be in variety and discord, and few or no preaching truly and sincerely the word of God, according as they ought to do. Shall I judge you charitable persons doing this? No, no, I cannot do so: alas! how can the poor souls live in concord, when you, preachers, sow amongst them, in your sermons, debate and discord? Of you they look for light, and you bring them to darkness. Amend these crimes, I exhort you, and set out God's word, both by true preaching, and good example-giving; or else, I, whom God hath appointed his vicar and high minister here, will see these divisions extinct, and these enormities corrected, according to my very duty, or else I am an unprofitable servant and an untrue officer. Although I say, the spiritual men be in some fault, that charity is not kept amongst you, yet, you of the temporality, be not clear and unspotted of malice and envy; for you rail at bishops, speak scandalously of priests, and rebuke and taunt preachers, both contrary to good order, and christian fraternity: if you know, surely, that a bp. or preacher erreth, or teacheth perverse doctrine, come and declare it to some of our council, or to us, to whom is committed, by God, the high authority, to reform and order such causes and behaviours; and be not judges, yourselves, of your fantastic opinions, and vain expositions; for in such high causes, you may lightly err. And, although you be permitted to read holy scripture, and to have the word of God in your mother-tongue, you must understand, it is licensed you so to do, only to inform your own consciences, and instruct your children and family; and not to dispute and make scripture a railing and taunting stock against priests and preachers, as many light persons do. I am very sorry to know, and hear, how unreverendly that most precious jewel, the word of God, is disputed, rhimed, sung, and jangled, in every ale-house and tavern, contrary to the true meaning and doctrine of the same; and yet I am even as much sorry, that the readers of the same, follow it, in doing it so faintly, and coldly; for of this I am sure, that charity was never so faint amongst you, and virtuous and godly living was never less used, nor God himself, amongst christians, was never less reverenced, honoured or served. Therefore, as I said before, be in charity one with another; like brother and brother love; dread and fear God; to the which I, as your supreme head, and sovereign lord, exhort and require you; and then I doubt not but that love and league, that I spake of in the beginning, shall never be discouraged, or broken between us. To the making of laws which we have now made and concluded, I exhort you, the makers, to be as diligent in putting them in execution, as you were in making and furthering of the same; or else your labour shall be in vain, and your commonwealth nothing relieved. Now to your petition concerning our royal assent to be given to such acts, as have passed both the houses, they shall be read openly, that we may hear them."

*The D. of Norfolk and his Son attainted.*] The Journal furnishes us with another session of this parl. which, as was said before, was prorogued to the 4th of Nov. but was again adjourned to the 14th of Jan. 1547, when they met to do business. On the 18th a bill was brought into the house for the Attaindure of Tho. duke of Norfolk, and Henry earl of Surrey, his son. It was read a first time, and committed to the king's solicitor-general for examination. The bill passed the lords on the 20th, and was returned, passed by the com-

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mons on the 24th. On the 27th, the ld. chanc. now the ld. Wriothesley, ordered all the peers to put on their parl. robes, and that the Commons, with their Speaker, should be called before him. Which done, the said chanc. declared to both the houses, that it was his maj.'s desire, for certain reasons, that they should expedite the bill for the Attaindure of Thos. duke of Norfolk, and Henry earl of Surrey, as fast as possible. And for this cause chiefly, that the king might be enabled to bestow the office of earl Marshal, we suppose, borne by the said duke, on some other, who by just right might execute it at the ceremony of the creation of prince Edw. then approaching. Which bill all the lords and commons had already passed; and therefore, because the king was hindered by sickness from coming to the house, to give his royal assent to the same, his maj. had directed a commission to him and other lords, there sitting, in his name to give the royal assent to the said bill. Which commission, dated Jan. 27, in the 38th of his reign, signed with the king's hand and under the broad seal, being read, the lord chancellor commanded the clerk of parl. to pronounce the usual words, 'Soit fait come il est desiré.' And thus the bill passed into a statute. The earl of Surrey was beheaded on Tower-hill; and it is thought the duke of Norfolk, notwithstanding his submission and long services, would not have escaped, had not the king's death reserved him to more merciful times.

*The King's Death.*] Jan. 31, the ld. chanc. declared to both houses the king's death, and that he expired early in the morning, on Friday the 28th of this month. The mournful news of which, says the Journal, was so affecting to the chancellor and all present, that they could not refrain from tears. But, turning their thoughts on his successor, prince Edw. by divine appointment; and the greatest part of the testament of their said deceased sovereign being read by sir Wm. Paget, principal secretary of state, concerning the succession and well governing of the kingdom, during the minority of the said prince Edward: with the cause for payment of debts and performing of promises; the ld. chanc. declared, that by the king's death the parl. was dissolved; and that every man was at liberty to depart home. Nevertheless, he advised the peers to wait for the coronation of prince Edward, which was shortly expected.

### *Taxes during the Reign of Henry VIII.*

In the 1st year of this king's reign, he had a supply, by parl. of two 10ths and two 15ths.—In his 2nd, two 10ths and two 15ths, with tunnage and poundage, for carrying on a war against France.—In his 4th, a grant of two more 10ths and 15ths, besides a Poll-Tax, on account of an invasion from the Scots.—In his 6th, tunnage and poundage was granted, and a subsidy; but the value of the latter is uncertain.—During an interval of parliaments, from the 7th to the 14th year of his reign, divers arbitrary means were made use of for raising money. And, in the 14th, he had also a Subsidy.—In his 17th year, commissioners were sent into every county, for levying the 6th part of every layman's goods, and the 4th of the clergy; but no parl. was called till the 20th; in which year an act passed to discharge him of certain debts; which the clergy, by another act, were required to pay.—In his 23d year, he had a 15th for the defence of the northern borders; and, in his 26th, a Subsidy of a 10th and 15th, besides a grant of the First-Fruits and Tenths of all spiritual dignities, benefices, &c.—In his 32nd year, he had a Subsidy of one 15th and a 10th, and 4s. in the pound from the clergy.—In his 34th year a very large Subsidy, for a war with Scotland and France; and, in the next, he issued a commission to raise money by Benevolence.—In his 37th year, he had a Subsidy of 2/3 in the pound on goods, 4s. on land, and 6s. from the clergy; besides the immense sums that came into his hands by the suppression of monasteries, abbies, hospitals, &c.

### *Price of Provisions and Labour during the Reign of Henry VIII.*

In 1510, oats sold at 2s. per quarter, and hay at 9s. per load.—In 1511, oats 2s, and beans 3/4 per qr.; hay 5s. per load.—In 1513, oats 2/1, and beans 4s.—In 1514, the price of wages of workmen, and servants by the year, day, &c. in husbandry: a chief hind, carter, and shepherd, each 1l. per ann. cloathing, with diet, 5s; common servant of husbandry 10/3, cloathing 4s; women servants yearly wages 10s, cloathing 4s.—The wages, by the day, of a workman, from Easter to Michaelmas: a free mason, at diet, 4d. without 6d.; a master carpenter, a rough mason, a tiler, a plumber, a bricklayer, a glazier, a carver, and a joiner, the same. From Michaelmas to Easter, with diet, 3d. without, 5d.—A shipwright's wages, from Candlemas to Michaelmas: a master carpenter, with diet, 5d. without, 7d.; a hewer, with, 4d. without, 6d.; an able clincher, with, 3d. without, 5d.; an holder, with, 2d. without, 4d.; a master calker, with, 4d. without, 6d.; a mean calker, with, 3d. without, 5d.; a calker, labouring by the tide, with, 4d. without, 6d. From Michaelmas to Candlemas, the masters wages diminished 1d. and so in proportion the rest. From Easter to Michaelmas, other labourers had per diem (except in harvest) with diet, 2d, without, 4d. From Michaelmas to Easter, ditto, with diet, 1½d, without, 3d. In harvest, a mower, with diet, 4d. without, 6d.; a reaper and a carter, with, 3d. without, 5d.; a woman labourer, and other labourers, with, 2½d. without, 4½d.—In 1518 and 1519, the conquest of Mexico was made by Hernando Cortes, a Spaniard, and the foundation of the kingdom of New Spain was laid. A great quantity of gold and silver being imported into Europe from thence, money became more plentiful, and trade diffusing itself every where, there soon appeared more numerous armies,

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greater magnificence in princes courts, the dowries of princesses much enlarged, and the price of provisions enhanced. Spain was the first nation that aggrandized itself by it; and it was this vast treasure that occasioned Ch. V. and Philip II. to aspire to universal monarchy. —In 1521 was a dearth; wheat sold for 1l. per qr.—In 1526, oats 3s, and beans 4/2.—In 1530, oats 4s, beans 5/4.—And in 1532, oats 3/10; beans 5/4.—In 1533, it was enacted by parl. that beef and pork should be sold for ½d. a pound, and veal or mutton for ¼d.—In 1537, oats 3/4 per qr.; beans 6s. The price of Gascoygne, Guyenne, or French wines were settled by parl. at 8d. the gallon; Malmseys, Romneys, Sack, and other sweet wines, at 12d. by retail.—In 1543, oats 3/4; beans 6/8.

*List of Counties and Boroughs, which returned Members to Parliament at the time of the Accession of Henry VIII.*

Bedfordshire
- Bedford

Berkshire
- New Windsor
- Reading
- Wallingford

Buckinghamshire
- Chipping Wicomb

Cambridgeshire
- Cambridge town

Cornwall
- Dunhivid alias Lanceston
- Leskard
- Lestwithiel
- Truro
- Bodmin
- Helston

Cumberland
- Carlisle city

Derbyshire
- Derby

Devonshire
- Exeter city
- Totness
- Plymouth
- Barnstaple
- Plympton
- Tavistock
- Clifton-Dartmouth-Hardness

Dorsetshire
- Pool

Dorchester
- Lyme-Regis
- Weymouth
- Melcomb-Regis
- Bridport
- Shafton alias Shaftsbury
- Wareham

Essex
- Colchester
- Malden

Gloucestershire
- Gloucester city

Herefordshire
- Hereford city
- Leominster

Hertfordshire

Huntingdonshire
- Huntingdon

Kent
- Canterbury city
- Rochester city

Lancashire

Leicestershire
- Leicester

Lincolnshire
- Lincoln city
- Great-Grimsby
- Stamford
- Grantham

Middlesex
- London city

Norfolk
- Norwich city
- Lynn-Regis
- Great-Yarmouth

Northamptonshire
- Northampton

Northumberland
- Newcastle upon Tyne

Nottinghamshire
- Nottingham

Oxfordshire
- Oxford city

Rutlandshire

Salop
- Salop town
- Bruges alias Bridgenorth
- Ludlow
- Great-Wenlocke

Somersetshire
- Bristol city
- Bath city
- Wells city
- Taunton
- Bridgewater

Southampton
- Winchester city
- Southampton
- Portsmouth

Staffordshire
- Stafford
- Newcastle under Line

Suffolk
- Ipswich
- Dunwich

Surry
- Southwark
- Blechinley
- Rygate
- Guilford
- Gatton

Sussex
- Chichester city
- Horsham
- Midhurst
- Lewes
- New-Shoreham
- Bramber
- Steyning
- East-Grinstead
- Arundel

Warwickshire
- Coventry city
- Warwick

Westmoreland
- Apulby

Wiltshire
- New Sarum city
- Wilton
- Downeton
- Hindon
- Heitesbury
- Westbury
- Calne
- Devizes
- Chippenham
- Malmesbury
- Cricklade
- Great Bedwin
- Ludgershal
- Old Sarum
- Wootton-Basset
- Marlborough

Worcestershire
- Worcester city

Yorkshire
- York city
- Kingston upon Hull
- Scarborough

Cinque-Ports
- Port of Hastings
- Port of Dover
- Port of Sandwich
- Port of Hythe
- Port of New Romney
- Town of Rye
- Town of Winchelsea

Counties and Boroughs - - 148
Members - - - - - - - - 298

*List of Counties and Boroughs, to whom the Privilege of sending Representatives to Parl. was granted or restored by Henry VIII.*

Anglesea county
- Beaumaris town

Brecon county
- Brecon town

Cardigan county
- Cardigan town

Carmarthen county
- Carmarthen town

Carnarvon county
- Carnarvon town

Denbigh county
- Denbigh town

Flint county
- Flint town

Glamorgan county
- Cardiff town

Merioneth county

Montgomery county
- Montgomery town

Pembroke county
- Pembroke town
- Haverford West tn.

Radnor county
- New Radnor town

Monmouth county
- Monmouth town
- Buckingham town
- Berwick upon Tweed

Cheshire
- Chester city
- Orford
- Calais in France

Counties and Boroughs - 32
Members - - - - - - 38

*Public Acts passed in this King's Reign.*

1 Hen. VIII.—1. A revocation of an act made the 8th year of king Hen. the 6th, for going to North Bergen. 2. Revocation of an act made in the 1st year of king Rich. the 3d, for cloth-making. 3. Concerning payments made to John Heron, general receiver to our lord the king. 4. For limitations of actions popular. 5. Revocation of an act made the 3d year of the reign of king Hen. the 7th, concerning the entering of merchandizes in the

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customers books. 6. Revocation of a statute concerning informations to be made before justices of assise and justices of peace. 7. Concerning the office of coroners. 8. Concerning escheators and commissioners. 9. Concerning the bridge of Staines. 10. Enlarging a statute concerning the traverse of lands seised into the king's hands by inquests afore escheators and commissioners. 11. Continuation of the act of attaints. 12. Concerning untrue inquisitions procured by Empson and Dudley. 13. That no coin, plate, vessel, bullion, or jewels, be carried out of this land. 14. Concerning reformation of apparel used within this realm. 15. Adnulling of all feoffments made to Empson and Dudley.

3 Hen. VIII.—1. That no money, coin, plate, vessel, bullion, nor jewels, be carried out of this realm. 2. Concerning escheators and commissions for finding of offices. 3. Concerning the maintenance of archery, and shooting in long bows. 4. Of protections and licence of alienation for such persons as shall be in the king's wars. 5. For payment of wages to soldiers in the king's war. 6. Concerning the true making and draping of woollen cloths. 7. Concerning woollen cloths to be full wrought, barbed, rowed, and shorn, ere they be carried out of this realm. 8. Repealing the act made at York, for selling of victuals by head officers. 9. Against mummers. 10. For curriers to search for leather. 11. For the appointing of physicians and chirurgeons. 12. Concerning reformation for impannels for the king. 13. Adnulling licences for shooting in cross-bows. 14. For searching of unlawful oils. 15. Concerning the making of hats and caps.

4 Hen. VIII.—1. Concerning the making of bulwarks on the sea-side. 2. For punishment of murder. 3. Concerning juries in London. 4. For proclamations to be made before exigents be awarded in foreign counties. 5. Repealing penalties for giving wages to labourers and artificers. 6. For sealing of cloth of gold and silver, and other silks. 7. Concerning pewterers, and true weights and beams. 8. Concerning Rich. Strode, and the privilege of parliament.

5 Hen. VIII.—1. Concerning ministration of justice to the king's subjects of Tournay and Tyrwin. 2. Concerning making of cloths in Devon, called white straits. 3. White woollen cloths, of 5 marks, and under, may be carried over the seas unshorn. 4. For avoiding deceits in worsteds. 5. Concerning jurors in London. 6. Concerning chirurgeons to be discharged of quests and other things. 7. Concerning strangers buying of leather in open market. 8. Concerning the manner and form of suit for the king's pardon.

6 Hen. VIII.—1. An act concerning apparel. 2. Concerning the maintenance of archery. 3. Concerning the wages of artificers and labourers. 4. For proclamations to be made before exigents be awarded in foreign shires. 5. Avoiding destructions, and pulling down of towns. 6. For the remitting prisoners with their indictments to the places where the crimes were committed. 7. Concerning wages for watermen. 8. Concerning the making of woollen cloths in the county of Devon. 9. To avoid deceits in making woollen cloths. 10. For commission of sewers. 11. For bow staves to be brought into this realm by strangers. 12. For Norfolk wools not to be carried out of the land. 13. Concerning the avoiding of keeping of cross bows and hand guns. 14. For the king's subsidy of tonnage and poundage. 15. Adnulling second letters patents during the king's pleasure, making no mention of the first letters patents. 16. That no knights of shires nor burgesses depart before the end of the parl. 17. For cleansing of the river of Canterbury. 18. For continuance of the under sheriff of Bristol.

7 Hen. VIII.—1. An act to prevent the decay of towns. 2. A repeal of licences for importing Gascoign wine and Tholouse woad in foreign ships. 3. Concerning actions popular and statutes penal. 4. Concerning avowries for rents and services. 5. Concerning artificers and labourers within the city of London. 6. Concerning apparel.

14 & 15 Hen. VIII.—1. An act concerning broad white woollen cloths. 2. Concerning strangers artificers for taking of apprentices, journeymen, and covenant servants. 3. Concerning worsted weavers in Yarmouth and Lynn. 4. Concerning customs payable by English men sworn to foreign princes. 5. Concerning physicians in London. 6. Concerning highways in the weald of Kent. 7. Concerning shooting in cross bows and hand guns. 8. Concerning the six clerks of the chancery to be married. 9. Concerning the liberty of cordwainers and shoemakers. 10. Concerning the hunting of the hare. 11. Concerning cloths called vesses made in the county of Suffolk. 12. Concerning coiners that shall coin money at any mint within England. 13. For the haven and port of Southampton. 14. Concerning such as be in the king's wars.

21 Hen. VIII.—1. The king's general pardon. 2. Abjured persons shall be marked in the right hand with the sign of A. 3. Concerning abridgments of plaints in assise. 4. Concerning the sale of lands by executors. 5. Concerning probate of testaments. 6. Concerning taking of mortuaries. 7. Against servants embezzling their masters goods. 8. Against the killing of calves. 9. Limiting the price of hats and caps brought from beyond sea. 10. Against carrying out of brass, lattin, and copper. 11. For restitution of goods feloniously stolen. 12. For true making of cables, halsers, and ropes, in Burport. 13. Against pluralities of benefices, taking of farms by spiritual men, and for residence. 14. Concerning linen cloth called dowlas and lockerams. 16. Terriers may enjoy their leases against recoveries had by feigned titles. 16. Concerning artificers strangers. The decree made in the star-chamber for artificers stran-

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gers by the king's most honourable council, the 20th day of Feb. in the 20th year of the reign of our sovereign lord king Hen. the 8th. 17. For the adnulling of the letters patents made to the city of York, concerning the shipping of wools. 18. Concerning Newcastle upon Tyne, and the port and haven thereunto belonging. 19. Concerning avowries. 20. The president of the council shall be associate with the chanc. and treas. for punishing of riots. 21. Concerning making of worsteds in Yarmouth and Lynne.

22 Hen. VIII.—1. Against regrating of wools. 2. Concerning the trial of foreign pleas pleaded by felons. 3. For Plumstead marsh. 4. Concerning exactions levied on apprentices. 5. For repairing and amending of bridges and highways. 6. Concerning tanners and butchers. 7. Against conveying of horses out of this realm. 8. For denizens strangers to pay strangers customs. 9. Against poisoning. 10. Concerning outlandish people calling themselves Egyptians. 11. Concerning powdike in marsh-land. 12. Directing how aged, poor, and impotent persons, compelled to live by alms, shall be ordered; and how vagabonds and beggars shall be punished. 13. That no persons strangers, being a common baker, brewer, chirurgeon, or scrivener, shall be accounted handicraft-men. 14. How persons committing petit treason, murder, or felony, shall abjure. 15. The king's general pardon for his spiritual subjects of the province of Canterbury. 16. The king's general pardon for his temporal subjects.

13 Hen. VIII.—1. An act that no person convicted of petit treason, murder, or felony, shall be admitted to his clergy, under a subdeacon. 2. For the making of gaols within this realm. 3. Against perjury, and untrue verdicts. 4. No brewers shall make their barrels, kilderkins, or firkins; and how much the same barrels, kilderkins, and firkins shall contain. 5. Concerning commissions of sewers. 6. Concerning recognizances to be taken by the two chief justices, and the recorder of London. 7. That the statutes made for the maintenance of the navy of this realm shall stand in full strength: and how Gascoigne and French wines shall be brought in, and the same and other wines sold. 8. Concerning the amending and maintenance of the havens and ports of Plymouth, Dartmouth, Teignmouth, Falmouth, and Fowey, in the counties of Devonshire and Cornwall. 9. That no person shall be cited out of the diocese where he or she dwelleth, except in certain cases. 10. Against feoffments and assurance of lands and tenements made to the use of any parish church, chapel, or such like. 11. Concerning breaking prison by clerks convict. 12. For exactions of tolls by the Severn side. 13. For trial of murders in cities and town. 14. Process of outlawry to lie in actions on the statute of 5 R. 2, and in covenant and annuity. 15. That the defendant shall recover costs against the plaintiff, if the plaintiff be nonsuited, or if the verdict pass against him. 16. No Englishman shall sell, exchange, or deliver, to be conveyed into Scotland, any horse, gelding, or mare, without the king's licence. 17. Concerning the true winding of wools. 18. Concerning pulling down fishgarths, piles, stakes, hecks, and other engines set in the rivers of Owse and Humber. 19. The king's gracious and free pardon for his spiritual subjects within the province of York.

24 Hen. VIII.—1. An act concerning true tanning and currying of leather. 2. Concerning the true dying of woollen cloths. 3. For flesh to be sold by weight, and the prizes set down. 4. Concerning sowing of flax and hemp. 5. Where a man killing a thief, shall not forfeit his goods. 6. Concerning the sale of wines. 7. To continue a former act made against killing of calves. 8. That the defendant shall not recover costs against the plaintiff in any action commenced or prosecuted to the king's use. 9. Against killing of young beasts called weanlings. 10. For the destroying of crows and rooks. 11. For paving the highway between Strond-cross and Charing-cross. 12. That appeals to the see of Rome shall not from henceforth be had nor used, but within this realm. 13. For reformation of excess in apparel.

25 Hen. VIII.—1. An act concerning graziers and butchers, and selling of flesh by weight. 2. For proclamation to be made concerning victuals. 3. That such persons as will stand mute, and not answer, when they are arraigned for felony, shall lose the benefit of clergy. 4. Against forestallers and regrators. 5. For the avoiding of deceipts in callendering worsteds. 6. For the punishment of the vice of buggery. 7. Against killing of young spawn or fry of fish. 8. For paving of Holbourn. 9. Concerning pewterers. 10. That every commissioner of sewers refusing to take the oath appointed to be taken, shall forfeit to the king 5 marks. 11. Against taking of wild fowl between the last day of May and the last day of August. 12. Concerning the attainder of Eliz. Barton and others. 13. Limiting what number of sheep men shall keep, occupy, and have in their own possession at one time. 14. For punishing of heresy. 15. Concerning printers and binders of books. 16. That every judge of the high courts may have one chaplain beneficed with cure. 17. Concerning shooting in cross-bows and hand-guns. 18. For clothiers within the county of Worcester. 19. Shewing the submission of the clergy to the king, and to give power to certain persons, with the king's consent and allowance, to make canons and constitutions. 20. Against payment of first-fruits to the pope, and the manner how bishops shall be elected. 21. Concerning Peter-pence and dispensations. 22. Declaring the establishment of the succession of the king's most royal majesty in the imperial crown of this realm.

26 Hen. VIII.—1. An act concerning the king's highness to be supreme head of the

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church of England, and to have authority to redress all errors, heresies, and abuses in the same. 2. Ratifying the oath that every of the king's subjects hath taken, and hereafter shall be bound to take, for due observation of the act made for the surety of the succession of the king's highness in the crown of the realm. 3. Concerning the payments of first-fruits of all dignities, benefices and promotions spiritual, and also concerning one annual pension of the 10th part of all the possessions of the church, spiritual and temporal, granted to the king's highness and his heirs. 4. For punishment of perjury of jurors in the lordships marchers in Wales. 5. That keepers of ferries on the water of Severn shall not convey in their ferry-boats any manner of persons, goods or chattels, after the sun going down till the sun be up. 6. That murders and felonies done or committed within any lordships marchers in Wales, shall be inquired of at the sessions holden within the shire-grounds next adjoining, with many good orders for ministration of justice there to be had. 7. For amending of highways in Sussex. 8. For the re-edifying of void grounds in the city of Norwich. 9. For the re-edifying of void grounds within the town of Lyn. 10. Whereby the king's highness hath authority to repeal the statute made for restraint of wines to come in afore Candlemas. 11. For punishment of Welshmen attempting any assaults or frays upon any the inhabitants of Hereford, Gloucester and Salop. 12. For purgation of convicts in Wales. 13. Whereby divers offences be made high treason, and taking away all sanctuaries for all manner of high treasons. 14. For nomination and consecration of suffragans within this realm. 15. For taking away certain exactions taken within the archdeaconry of Richmond by spiritual men. 16. For making of worsteds in the city of Norwich, and in the towns of Lyn and Yarmouth. 17. That no farmers or spiritual persons shall be compelled or charged to pay for their lessors first-fruits, or yearly pensions of the 10ths granted to the king's highness. 18. Concerning the king's general and free pardon granted by his highness. 19. For granting of 15ths and 10ths.

27 Hen. VIII.—1. An act for the re-edifying of the towns of Gloucester, Nottingham, Northampton, and other towns. 2. For the counterfeiting of the sign manual, signet, or privy seal of our sovereign lord the king, to be from henceforth taken and adjudged high treason. 3. Taking away exactions taken by the mayor and commonalty of the town of Hull. 4. Declaring the order and punishment of pirates and robbers on the sea. 5. For making justices of peace in Chester and Wales. 6. For increase and breed of horses. 7. Against unlawful exactions and usages taken and used in the forests of Wales. 8. That the king's spiritual subjects shall pay no tenths of their spiritual promotions for that 1st year for which they paid their first-fruits. 9. Whereby all butchers be licensed to sell flesh by retail, unto the 24th day of April, which shall be in the year of our lord 1540. 10. Expressing an order for uses and wills. 11. Concerning clerks for the signet and privy seal. 12. For the true making of woollen cloths. 13. That white woollen cloths of 4 pounds and under, and coloured cloths of 3 pounds and under, may be from henceforth carried over the sea. 14. Concerning the custom of leather. 15. Whereby the king's majesty shall have power to nominate 32 persons of his clergy and laity for making of ecclesiastical laws. 16. Concerning inrolments of bargains and contracts of lands and tenements. 17. Concerning such as be put in trust by their masters, and after do rob them. 18. For the preservation of the river of Thames. 19. Limiting an order for sanctuaries and sanctuary persons. 20. Concerning an order for tithes through the realm. 21. Limiting an order for payment of tithes within the city of London. 22. Concerning decays of houses and inclosures. 23. For the preservation of the havens and ports in the counties of Devon and Cornwall. 24. For continuing of certain liberties and franchises heretofore taken from the crown. 25. For punishment of sturdy vagabonds and beggars. 26. For laws and justice to be ministered in Wales in like form as it is in this realm. 27. Establishing the court of augmentations. 28. All monasteries given to the king, which have not lands above 200l. by the year.

28 Hen. VIII.—1. An act that felons abjuring for petit treason, murder or felony, shall not be admitted to the benefit of their clergy. 2. For continuing of two statutes made in the last parl. touching such as go away with caskets, jewels, goods or plate of their masters. 3. Giving the king's highness authority newly to allot the townships in the shires and marches of Wales at any time within 3 years next ensuing. 4. Repealing the statute lately made for the bringing in of dowlas and lockerams. 5. For avoiding of exactions taken upon apprentices in the cities, boroughs and towns corporate. 6. For the continuance of the statutes for beggars and vagabonds; and against conveyance of horses and mares out of this realm; and against Welshmen making affrays in the county of Hereford, Gloucester, and Salop; and against the vice of buggery. 7. For the establishment of the imperial crown of this realm. 8. For the continuance of the statute against the carriage of brass, lattin and copper out of this realm; and for making of cables and ropes, for the winding of wools, and against killing of wainlings under the age of 2 years. 9. For continuance of the statutes of perjury, for making of gaols, for pewterers, and for sowing of flax and hemp. 10. Extinguishing the authority of the bishop of Rome. 11. For the restitution of the first-fruits in time of vacation to the next incumbent. 12. Declaring the limits of the king's palace of Westminster. 13. For compelling spiritual persons to keep residence upon their benefices. 14. Limiting the prices of wines.

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15. For punishment of pirates and robbers on the sea. 16. For the release of such as have obtained pretended licences and dispensations from the see of Rome. 17. Giving authority to such as shall succeed in the crown of this realm, when they come to the age of 24 years, to make frustrate such acts as shall be made before that time. 18. Concerning treason in certain cases.

31 Hen. VIII.—1. An act concerning joint-tenants and tenants in common. 2. That fishing in any pond, stew or mote, with an intent to steal fish out of the same, is felony. 3. Changing the custom of gavelkind. 4. Concerning the amending of the river and port of Exeter. 5. Whereby the king's manor of Hampton-court is made an honour, and a new chase thereunto belonging. 6. That such as were religious persons may purchase, sue and be sued, in all manner of actions. 7. Concerning the continuance of the statutes for punishment of beggars and vagabonds, and of certain other statutes. 8. That proclamations made by the king's highness, with the advice of his hon. council, shall be obeyed and kept as though they were made by act of parl. 9. Authorising the king's highness to make bishops by his letters patents. 10. Concerning placing of the lords in the parliament-chamber, and other assemblies, and conferences of council. 11. Authorising the king's highness newly to allot certain townships in Wales. 12. Concerning wrongful taking of hawks-eggs and birds out of the nest, and finding and taking up of the king's hawks, hunting in the king's forest, park or chase, or other ground inclosed, and killing of conies within any lawful warren of the king's. 13. Whereby all manors, lands, profits and hereditaments belonging to any the monasteries or other religious houses dissolved, or hereafter by any means to be dissolved, are assured to the king's highness, his heirs and successors for ever; and in what wise leases and grants heretofore made, or hereafter to be made, of them, or any part of them, shall take effect. 14. For abolishing of diversity of opinions in certain articles concerning christian religion.

32 Hen. VIII.—1. An act how by the king's grant, lands, tenements, &c. may be by will, testament, or otherwise disposed; and concerning wards and primer seisins. 2. For limitation of prescription. 3. For continuation of certain acts. 4. For trial of treasons in Wales, &c. 5. For continuation of debts upon executions. 6. For trial of felonies upon conveying of horses into Scotland. 7. For true payment of tithes and offerings. 8. Against sellers and buyers of pheasants and partridges. 9. Against maintenance, imbracery, &c. and against unlawful buying of tiles. 10. For the moderation of the punishment of the incontinency of priests and women offending with them. 11. Concerning stealing of hawks eggs, conies, and deer. 12. Concerning sanctuaries, privileges of churches and church-yards. 13. Concerning the breed of horses of higher statute. 14. For maintenance of the navy of England, and for certain rates of freights. 15. Concerning abps. and bps. their chancellors, commissaries, archdeacons, and their officials, to be in the commission of the act concerning the abolition of erroneous opinions in the christian religion. 16. Concerning strangers. 17. For paving of Algate, High Holbourn, Chancery-lane, Gray's Inn-lane, Shoe-lane, Fetter-lane. 18. For re-edifying of decayed houses in sundry towns and places of the realm. 19. Another act for re-edifying of decayed houses in sundry towns of the west parts. 20. Concerning privileges and franchises. 21. The abbreviation and limitation of Trinity term. 22. Concerning the account of bps. and others, for the 10th granted to the king's majesty. 23. The subsidy of the clergy of the province of Canterbury. 24. Concerning the lands and the goods of the hospitals of st. Johns of Jerusalem in England and Ireland, to be hereafter in the king's hands and disposition. 25. Declaring the dissolution of the king's pretensed marriage with the lady Anne of Cleve. 26. Concerning true opinions and declarations of Christ's religion. 27. The resumption of extraordinary grants and licences of absence and reversions in the town of Calais, and the marches of the same, and in Berwick, and of the sheriffwicks for life in Wales. 28. That lessees shall enjoy their farms against tenants in tail, or in right of their wives, or churches, &c. 29. Concerning customable lands in Osweldbechsoke. 30. Concerning mispleadings, jeofails, and attornies. 31. For the avoiding of recoveries by collusion, by tenants for term of life. 32. Concerning joint tenants for term of life or years. 33. That wrongful disseisin is no descent in the law. 34. Concerning grantees of reversions to take advantage of the conditions to be performed by the lessees. 35. That justices of the forests may make deputies. 36. For the exposition of the statutes of fines. 37. For the recovery of arrearages of rents by executors of tenant in fee-simple. 38. Concerning precontracts of marriages, and touching decrees of consanguinity. 39. The jurisdiction of the great master of the household. 40. Concerning the privileges of physicians. 41. Concerning baking of horse bread. 42. Concerning barbers and chirurgeons to be of one company. 43. Concerning shire days in the county palatine of Chester. 44. That the town of Royston is reduced to one new parish. 45. The erection of the court of the first fruits and 10ths. 46. The establishment of the court of the king's wards. 47. That the bp. of Norwich shall be charged with the collection of the king's 10ths in his diocese. 48. Concerning the castle of Dover, castle wards, and other munitions thereabouts. 49. Concerning the king's most gracious, general and free pardon. 50. For the grant of two subsidies, and four 15ths and 10ths to the king by the temporalty.

33 Hen. VIII.—1. An act concerning counterfeit letters or privy tokens to receive money

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or goods in other mens' names. 2. Concerning the buying of fish upon the sea. 3. For the folding of cloths in North Wales. 4. Concerning pewterers. 5. Concerning keeping of great horses. 6. Concerning cross bows and hand guns. 7. Concerning the conveyance of brass, lattin, and bell-metal over the sea. 8. Against conjurations, witchcrafts, sorceries, and inchantments. 9. For the maintenance of artillery, debarring unlawful games. 10. Concerning the execution of certain statutes. 11. For butchers to sell at their liberty by weight or otherwise. 12. For punishment of murder and malicious bloodshed within the king's court. 13. Concerning certain lordships translated from the county of Denbigh to the county of Flint. 14. Concerning false prophesies upon declaration of names, arms, or badges. 15. Touching the translation of the sanctuary from Manchester to Westchester. 16. For worsted yarn in Norfolk. 17. For the confirmation and continuation of certain acts. 18. For the true making of kersies. 19. Expounding a certain statute concerning shipping of cloths. 20. For due process to be had in high treasons, in cases of lunacy and madness. 21. Concerning the attainder of the late queen Katherine and her complices. 22. Concerning the order of wards and liveries. 23. To proceed by a commission of oyer and terminer against such persons as shall confess treasons, &c. without remanding the same to be tried in the shire where the offence was committed. 24. That no man shall be justice of assise in his own country. 25. For the making free of certain children beyond the sea, and to put the same children in the nature of English men. 26. To make frustrate certain conveyances devised by sir John Shelton. 27. For leases of hospitals, colleges, and other corporations to be good and effectual with the consent of the more part. 28. For the chanc. of the duchy of Lancaster, the chanc. of the augmentation, and certain other noblemen, to retain chaplains. 29. To enable persons, late religious, to sue and to be sued. 30. Confirming the authority of the dean and chapter of Litchfield in making leases and other grants. 31. Dissevering the bishopric of Chester, and the Isle of Man, from the jurisdiction of Canterbury to the jurisdiction of York. 32. For the parish church of Whitgate to be made a parish church of itself, and no part of the parish of Over. 33. Concerning the privilege of Kingston upon Hull. 34. For the town of Lynn, touching the revocation of two fairs. 35. Concerning the conduits of Gloucester. 36. For the repairing of Canterbury, Rochester, Stamford, and divers other towns. 37. Touching the honour of Ampthill. 38. Concerning the honour of Grafton. 39. Concerning the erection of the court of surveyors.

34 & 35 Hen. VIII.—1. An act for the advancement of true religion, and for the abolishing of all false doctrines. 2. Concerning collectors and receivers. 3. For the assise of coal and wood. 4. Against such persons as do make bankrupts. 5. For the explanation of the statutes of wills, 6. For the true making of pins. 7. To authorise certain of the king's maj.'s council to set prices upon wines to be sold by retail. 8. That persons being no common chirurgeons, may minister medicines. 9. For the preservation of the river of Severn. 10. For the true making of coverlets at York. 11. For the true making of freezes and cottons in Wales. 12. For paving of certain lanes and streets in London and Westminster. 13. For knights and burgesses to have places in the parl. for the county palatine and city of Chester. 14. For a certificate of convicts to be made into the king's bench. 15. Touching the dean and chapter of Wells, to be one sole chapter of itself. 16. For the sheriffs to be discharged upon their accounts, and to have allowances of their reasonable expences, in the court of exchequer. 17. For the new erected bps. to pay their 10ths into the court of first fruits. 18. For Canterbury, concerning the privileges of the same. 19. For the payment of pensions and portions granted out of the late abbies. 20. To imbar feigned recoveries of lands wherein the king's maj. is in reversion. 21. For the confirmation of lands, notwithstanding misnaming any thing contained in the same. 22. That fines in towns corporate shall be made as the same have been in times past. 23. For the true execution of proclamations. 24. For the assurance of certain lands to John Hind serjeant at law, and to his heirs, paying therefore yearly 10l. towards the charges of the knights of the parl. for Cambridgeshire for the time being. 25. That the inhabitants of Poole may erect a windmill and a conduit within the king's majesty's waste ground of Baiter. 26. For certain ordinances in the king's majesty's dominion and principality of Wales.

35 Hen. VIII.—1. An act concerning the establishment of the king's majesty's succession in the imperial crown of this realm. 2. Concerning the trial of treasons committed out of the king's maj.'s dominions. 3. For the ratification of the king's majesty's stile. 4. Touching the repairing and amending of certain decayed houses and tenements, as well in England as in Wales. 5. Concerning the qualification of the statute of the six articles. 6. Concerning the appearance of jurors in *Nisi prius*. 7. For the repealing of a certain statute concerning the bringing in of salt-fish and stock-fish. 8. Concerning coopers. 9. Concerning the partition of Wapping marsh. 10. Concerning the repairing, making, and amending of the conduits in London. 11. For the due payment of the fees and wages of knights and burgesses for the parl. in Wales. 12. For the remission of the loan. 13. That the demain lands and tenements in Walsingham, belonging to the late prior there, may be let by copy of court roll. 14. For the reservation of tenures upon houses with lands belonging to the same, under the clear yearly value of 40s.



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15. For paving of Cambridge. 16. Concerning the examination of the canon laws by two and thirty persons to be named by the king's majesty, during his highness's life. 17. For the preservation of woods. 18. Concerning the king's general pardon.

37 Hen. VIII.—1. An act for the officers of *Custos Rotulorum*, and clerks of the peace. 2. For the partition of Hounslow Heath. 3. For the amending of the highway near Chester, called Huntington-lane. 4. That all colleges, chantries, free chapels, &c. shall be in the king's majesty's disposition. 5. That the inhabitants of London, having goods to the value of 400 marks, may pass in attaints. 6. Against burning of frames. 7. For abrogation of six weeks sessions. 8. That any indictment lacking these words, *Vi et Armis*, shall be good and sufficient in the law. 9. Against usury. 10. Against slanderous bills. 11. For the marches beside Greenwich. 12. For tithes in London. 13. Repealing the act made for pins. 14. For the maintenance of the pier of Scarburgh. 15. Against regrating of wools. 16. For the annexing of certain lands to the duchy of Lancaster, and an exchange between the king's majesty, the abp. of Canterbury and York, and the bp. of London. 17. That doctors of civil law, being married, may exercise ecclesiastical jurisdiction. 18. For the erection of 4 honours, Westminster, Kingston-upon-Hull, St. Osith's, and Donington. 19. That fines taken in the county palatine of Lancaster, shall be of like force as fines acknowledged before justices of the common place. 20. For the tenures of lands of 40s. or under. 21. For the union of churches not exceeding the value of 6l. 22. To fill up the juries *de Circumstantibus*. 23. For the continuation of certain statutes. 24. For the confirmation of a subsidy granted by the clergy. 25. Concerning the grant of one entire subsidy, and two whole 15ths and 10ths granted by the temporalty.

## EDWARD VI.

Edward was only nine years of age when he succeeded to the throne. Soon after his coronation, lord Edw. Seymour, then earl of Hertford, was created duke of Somerset, and made governor to the king and protector of the realm. This nobleman was own uncle to the king by the mother's side; and had, by that affinity, and his places, an absolute sway over all. The first year of this reign began with a war with Scotland; some overtures of a marriage having been again made by the English council, between their king and the princess Mary, sole daughter and heir to James V. king of Scots, which being refused by the latter, a bloody war ensued. The English army was commanded by the duke of Somerset, who marched northward as far as the river Eske; on the banks of which an obstinate battle was fought, in which the English were conquerors, with the destruction of above 10,000 of their enemies. This reign also began with a farther reformation in religion, the Lord Protector being zealous for carrying it on; certain injunctions were published by authority for removing images out of churches, and for abolishing or altering some other ancient observations, as sir John Hayward terms them, in the church.

*A Parl. called.*] Some bps. opposing these innovations, and others saying that it was well to stay these changes in religious matters, till the king was of years fit to govern by himself, a parl. was called to meet at Westminster, on the 4th of Nov. 1547, in the 1st year of his reign. The following is a

*List of the Temporal Lords summoned to this Parliament.*

| | |
|---|---|
| The duke of Somerset, protector of England, gov. to the king's person, and treasurer of England | lord high admiral of England |
| | Jn. Touchet ld. Audley |
| | Thomas West lord De la War |
| | Hen. Parker ld. Morley |
| Lord Rich, lord high chanc. of England | Walter Devereux lord Ferrers |
| Sir W. Paulet, lord St. John, great master of the king's household, and president of the council | Wm. Dacre lord Dacre of Gillesland |
| | John lord Zouch |
| | Jn. ld. Scrope of Bolton |
| John lord Russel, lord keeper of the privy seal | Wm. Stourton lord Stourton |
| | Jn. Nevile ld. Latimer |
| Henry marq. of Dorset | Geo. Broke ld. Cobham |
| William, marquis of Northampton | Thomas lord Sandys |
| | John lord Conyers |
| Henry earl of Arundele | Edw. ld. Grey of Powis |
| John earl of Oxford | William lord Grey of Wilton |
| Edward earl of Derby | Thomas Stanley lord Monteagle |
| Francis earl of Huntingdon | Thomas lord Vaux |
| Henry earl of Sussex | Wm. lord Wyndfore |
| Francis earl of Salisbury | Tho. lord Wentworth |
| | Thomas lord Brough |
| Henry e. of Worcester | John lord Mordaunt |
| Ralph earl of Westmoreland | Edward lord Clinton |
| | William lord Parr |
| John earl of Bath | Gregory ld. Cromwell |
| John e. of Warwick, great chamberlain of England | Thomas lord Warton |
| | William lord Evers |
| | William ld. Willoughby of Parham |
| Tho. e. of Southampton | |
| Hen. e. of Cumberland | Edmund Sheffield ld. Sheffield |
| Hen. e. of Bridgewater | |
| Tho. lord Seymour, | John lord Bray |

We are now come to a period from which the Journals of the House of Commons are extant. The first volume, which begins with this reign, contains little more than a diurnal succinct account of proceedings in reading bills, &c. but yet will be of some use in ascertaining dates in chronology. The Journals of the Lords are more explicit in the reign before us than those of the commons; the ensuing parl. being introduced by that authority in the following manner: "*Mem.* the 4th of Nov. in the 1st year of king Edw. VI. the king's maj. sitting

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in the Parl. Chamber at Westm. with all the lords, on both sides, and the commons standing beneath the bar; commanded the clerk of the parl. openly to read his highness's commission, being sealed with the great seal of England, the tenor whereof hereafter ensueth:

"Edward VI. by the grace of God, king of England, France, and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth, the supreme head; to all whom these presents shall come, greeting. Forasmuch as our most dear uncle, Edw. duke of Somerset, whom, by the advice of the lords, and the rest of our council, with the consent and good agreement of the noblemen of our realms, we have named, ordained, and commanded to be Governor of our Person, and Protector of our Realms, dominions, and subjects, during our minority, hath no such place appropriate or appointed unto him in our high court of parl. as is convenient and necessary, as well in respect of his proximity of blood unto us, being our uncle and eldest brother unto our mother of most noble memory deceased, queen Jane; as also for his better managing and conducting our affairs, to our honour, dignity, and surety, and the wealth and benefit of our realms, dominions, and subjects: we have therefore, as well by the consent of our said uncle, and by the advice of other the lords of our privy council, willed, ordained, and appointed, and do by these presents will, ordain, and appoint, that our said uncle shall and do sit alone, and be placed at all times, as well in our presence, in our said court of parl. as in our absence, upon the midst of the bench or stool standing next on the right hand of our seat royal, in our Parl. Chamber, and that he further shall have, and do enjoy, in our said court of parl. in all sessions, all such other privileges, pre-eminences, prerogatives, and liberties, in all things and to all effects, as by law or statutes heretofore made, or otherwise, any the uncles, by father or mother side, to any of our most noble progenitors, or any protector of their realms and dominions, being in the minority of years as we be, have had, used, or enjoyed in their courts of parl. the statute concerning the placing of the lords in the Parl. Chamber, and other assemblies and conferences of council, made in the 31st of the reign of our most dear father, of famous memory, king Henry VIII. or any other statute, act, ordinance, or provision heretofore had or made, to the contrary notwithstanding; and for the express mention of any other grants or gifts, made to our said uncle by us, or any of our progenitors, heretofore had or made, in these presents not mentioned, or any other thing, matter, or cause, whatsoever it be, notwithstanding. In witness whereof we have caused these our letters to be made patents: witness ourself at Westminster the 3rd of Nov. in the 1st year of our reign.

Southwell," (master of the Rolls.)

When the aforesaid commission was openly read, and heard of all the house, and the lord protector placed accordingly, the lord Rich, being lord chanc. began his oration, to the effect as follows:— — — —

We have chosen to give the following memorandum and letters patent at length, as they are entered in the Journals, being the first step of power and pre-eminence this haughty duke took upon him. But whether by the negligence of the clerks or otherwise, the lord chancellor's oration is wholly omitted, and only a blank page left for it. Neither is the Speaker of the commons mentioned, as usual; but this we supply from the Journals. Sir John Baker was chosen to that office.

The first affair that the Lords went upon, was to frame a bill for the better protection of the Northern Borders; but we do not find that it passed into a law; it being thought more advisable to send a great army thither, under the Lord Protector, who gained a complete victory over the Scots, near Musclebo-rough. This war broke out on occasion of the Scots again refusing their princess Mary to be joined in wedlock with king Edward. She was afterwards married to the dauphin of France.

*Statute of Prerogative repealed.*] Nov. 10th, a bill for the repeal of certain statutes, as it is there called, came into the house; but was in effect to be an act to repeal the statute of the 28th Hen. VIII. which gave authority to the king, after the age of 24, to repeal, by his letters patents, all former statutes made during his minority, &c. A stretch of absolute power, left as a legacy by the late king to his son and successors; and if it had stood, parliaments would have soon become useless to this nation. But by this act it was thus altered, "that the king, when he came to the aforesaid age, might, by his letters patent, annul any act of parl. for the future; but could not so void it from the beginning, as to annul all things done upon it, between the making and annulling of any law, which were still to be lawful deeds." This bill was afterwards tacked to another for the repeal of treasons, felonies, &c. which will come in the sequel.

*Act relating to the Sacrament.*] Nov. 12th, a bill was brought into the commons, relating to the Sacrament of the Altar, which passed that house on the 17th. This bill was occasioned by an irreverent treatment that sacred mystery met with at that time, from the then growing sect of the Puritans and others. The preamble to the act declares, "That some had disputed and reasoned unreverendly and ungodly of that most holy mystery, and called it by such vile and unseemly words that christian ears did abhor." The act forbears to mention them; but some of the terms were Round Robin, Jack in a Box, Sacrament of the Halter, &c. because the wafer was round, and usually kept in a pix, or box. The same act, in the last paragraph of it, did enjoin the said Holy Sacrament to be delivered and ministred to the people in both kinds, of bread and wine; "being more conformable, as the act

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expresses, to the common use and practice of the apostles and primitive church, by the space of 500 years and more after Christ's ascension."

Nov. 15, a bill for the admission of bishops by the king's majesty only, was brought into the house; that is, that bps. should be placed in their sees by collation of the king under his letters patents, without any precedent election or ensuing confirmation. By this act it was set forth, "that the way of chusing bps. by congé d'elire was tedious and expensive, that there was only a shadow of election in it, and that therefore bps. should thereafter be made by the king's letters patent, upon which they were to be consecrated: and whereas the bps. did exercise their authority, and carry on processes, in their own names, as they were wont to do in the time of popery; and since all jurisdiction both spiritual and temporal was derived from the king, that therefore their courts and all processes should be from henceforth carried on in the king's name, and be sealed by the king's seal, as it was in the other courts of common law, after the 1st of July next; excepting only the abp. of Canterbury's courts, and all collations, presentations, or letters of orders, which were to pass under the bishop's proper seals as formerly." Upon this act, says Burnet, great advantages were taken to disparage the reformation, as subjecting the bps. wholly to the pleasure of the court.—On the same day another bill for reading the Scripture was introduced.

*A Subsidy.*] Nov. 21, a bill for a Subsidy of Tonnage and Poundage, on merchandize, called customs, was brought in; which afterwards passed both houses, with a proviso for the merchants of the stilyard. It was granted for the king's life, and then was rated, the tonnage, at 3s. on every tun of wine; for sweet wines 6s.; 12d. for every aulme of rhenish. The poundage was 12d. in the pound, in value, of all goods, imported or exported; and 2s. of aliens for tin and pewter exported.

Nov. 29th, a bill against Vagabonds was brought in; by which it was enacted, "that all that should any way loiter without work, or without offering themselves to work, 3 days together; or that should run away from work, and resolve to live idly, should be seized on; and whosoever should present them to a justice of peace, was to have them adjudged to be his slaves for two years; and they were to be marked with the letter V, imprinted with a hot iron on their breast."

*Act for dissolving Chauntries, &c.*] Dec. 12th, a bill was read a 2nd time by the Lords, for suppressing chauntries and colleges. On the 15th it was read a 3rd time, and passed that house by the consent of all the peers, except the abp. of Canterbury, and the bps. of London, Durham, Ely, Norwich, Hereford, Worcester, and Chichester, who dissented from it. There are two instances, in this day's proceedings and the day before, of two or three lay lords dissenting from bills passing the house, which are the first we have yet met with in the Journals; but no Protests are entered against them. This bill was afterwards new-modelled by the Commons, and it passed both houses Dec. 24th, the bps. of London, Durham, Ely, Hereford, and Chichester, then only dissenting. The purport of it was, that by this act divers colleges, chauntries, free chapels, fraternities, guilds, &c. with all their lands and goods, were put into the actual possession of the king. Part of these goods and lands being sold at a low value, enriched many and enobled some; and thereby, as sir John Hayward observes, made them firm in maintaining the change.

Dec. 16th, another bill was introduced for repealing of certain statutes for Treason and Felony. This bill being a matter of great concern to every subject, a committee was appointed, consisting of the abp. of Canterbury, the lord. chanc. the lord chamberlain, the marq. of Dorset, the earls of Shrewsbury and Southampton, the bps. of Ely, Lincoln, and Worcester, the lords Cobham, Clinton, and Wentworth, with certain of the king's learned council; all which noblemen, &c. were appointed to meet a committee of the commons at 2 o'clock, after dinner, in order to treat and commune on the purport of the said bill.—The Commons had formed another bill for repealing these statutes, which upon some conferences they were willing to drop; only some provisos were added to the other, from which the bps. of London, Durham, Ely, Hereford, and Chichester, again dissented.—The repeal of all these statutes opened the door wide for liberty of conscience all over England; and dr. Heylin observes, "all men were now set at liberty to read the Scriptures, and expound them as they pleased; of entertaining what opinion in religion best agreed with their fancies, and promulgating those opinions which they entertained." But this is a mistake, for still the law for burning of heretics subsisted; of which kind of executions there were several instances in this reign.

Dec. 24, all the bills concluded at this session being ready for the royal assent, they were passed; after which the ld. chanc. prorogued the parl. to the 20th of April next ensuing. In the table at the end of the proceedings of this session, in the Lord's Journals, are the Titles of 21 statutes then enacted; in the Statute Books are 15. But the supernumerary acts are only on private affairs.

April 20, 1548, this parl. met again; when the ld. chanc. declared to them, that for certain causes, particularly the war which then raged betwixt England and Scotland, by which several members could not without great danger attend, it was the king's pleasure that this parl. should be again prorogued from that day to the 15th of Oct.; and the king's letters patents, appointing such a prorogation were read accordingly. And, on the said 15th of Oct. other letters patents were read, importing, that by reason of the Plague, then reigning in

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the cities of London, Westminster, and the suburbs thereof, the parl. was further prorogued to the 24th of Nov. At which time, they being again assembled, proceeded to business; but nothing of any consequence was transacted till the 21st of Dec. on which day the ld. chanc. adjourned the house to Jan. the 2d, 1549, when it again met.

Jan. 14, in the Commons the privilege of the house was granted to John Keysar; servant to sir Ralph Vane.

*Act for Uniformity in Religion.*] Jan. 15, the bill for an Uniformity of Service and Administration of Sacraments to be had throughout the realm, was passed in the Lords. The preamble of the act sets forth, "That there had been several forms of service, and that of late there had been great difference in the administration of the sacraments, and other parts of divine worship: and that the most effectual endeavours could not stop the inclinations of many to depart from the former customs; which the king had not punished, believing they flowed from a good zeal. But that there might be an uniform way over all the kingdom, the king, by the advice of the lord protector and his council, had appointed the abp. of Canterbury, with other learned and discreet bps. and divines, to draw up an order of divine worship, having respect to the pure religion of Christ taught in the scripture, and to the practise of the primitive church, which they, by the aid of the holy ghost, had with one uniform agreement concluded on; wherefore the parl. having considered the book, and the things that were altered or retained in it, they gave their most humble thanks to the king for his care about it; and did pray that all who had formerly offended in these matters, except such as were in the tower of London, or the prison of the Fleet, should be pardoned: and did enact, that from the feast of Whit-Sunday next, all divine offices should be performed according to it; and that such of the clergy as should refuse to do it, or continue to officiate in any other manner, should upon the 1st conviction be imprisoned 6 months, and forfeit a year's profit of their benefice: for the 2d offence forfeit all their church preferments, and suffer a year's imprisonment: and for the 3d offence should be imprisoned during life. And all that should write, or put out things in print against it, or threaten any clergymen for using it, were to be fined 10l. for the 1st offence; 20l. for the 2d; and to forfeit all their goods, and be imprisoned for life, upon a 3d offence. Only at the universities they might use it in Latin and Greek, excepting the office of the communion. It was also lawful to use other psalms or prayers taken out of the bible, so these in the book were not omitted." This act was variously censured by those who disliked it. Some thought it too much that it was said the book was drawn 'by the aid of the holy ghost.' But others said this was not to be so understood, as if they had been inspired by extraordinary assistance, for then there had been no room for any correction of what was now done; and therefore it was only to be understood in that sense, as all good motions and consultations are directed or assisted by the secret influences of God's holy spirit; which do oft help good men, even in their imperfect actions, where the good that is done is justly ascribed to the grace of God. Others censured it, because it was said to be done by uniform agreement, though 4 of the bps. were employed in the drawing of it, protested against it, viz. the bps. of Norwich, Hereford, Chichester and Westminster; but these had agreed in the main parts of the work, though in some few particulars they were not satisfied, which made them dissent from the whole.

One thing must not be omitted; that whilst this bill was debating in the commons, one Storey, a member, spoke so sharply against it, and was so free of his reflections on the king and the protector, that he was put into the serjeant's hands, and sent to the tower. The words he spoke from were these, 'Woe unto thee, Oh England! when thy king is a child.' An impeachment was actually drawn up against him for it; but, upon his humble submission, the house ordered the privy counsellors to acquaint the protector, that it was their resolution he should be discharged, and they desired the king would forgive his offence against him and the council.

*Act for allowing Priests to marry.*] Feb. 19th, a bill for the Marriage of Priests passed both houses. The preamble of this act declares, "That it were better for priests and the ministers of the church to live chaste and without marriage, whereby they might better attend to the ministry of the gospel, and be less distracted with secular cares; so that it were much to be wished, that they would of themselves abstain. But great filthiness of living, with other inconveniencies, had followed on the laws that compelled chastity, and prohibited marriage; so that it was better they should be suffered to marry than be so restrained: therefore all laws and canons that had been made against it, being only made by human authority, are repealed. So that all spiritual persons, of what degree soever, might lawfully marry, provided they married according to the order of the church. But a priviso was added, that because many divorces of priests had been made after the six articles were enacted, and that the women might have thereupon married again, all these divorces, with every thing that had followed on them, should be confirmed." Bp. Burnet observes, that there was no law that passed in this reign more contradicted and censured than this.

*An Act for better supporting the Parochial Clergy.*] Two other acts passed this session, which dr. Heylin says were exceeding necessary for the preservation of the church's patrimony, then near dissipated. "The first (says he) was made for the encouragement and sup-

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port of the Parochial Clergy, in the true payment of their tithes, lately invaded by their patrons, and otherwise in danger to be lost for ever, by the avariciousness of the parishioners, as before was said." For remedy whereof, it was enacted, "That no person or persons should from thenceforth take or carry away any tithe or tithes, which had been received or paid within 40 years next before the date thereof, or of right ought to have been paid, in the place or places tithable in the same, before he hath justly divided or set forth the tithe thereof, the 10th part of the same, or otherwise agree for the same tithes, with the parson, vicar, or other owner, proprietor, or farmer of the same, under the pain or forfeiture of the treble value of the tithes so taken or carried away." To which a clause was also added, enabling the said parsons, vicars, &c. to enter upon any man's land for the due setting of his tithes, and carrying away the same without molestation; with other clauses no less beneficial to the injured clergy. And because the revenue of the clergy had been much diminished by the loss of such offerings and oblations, as had been accustomably made at the shrines of certain images now either defaced or removed, it was thought meet to make them some amends in another way: and thereupon it was enacted, "that every person exercising merchandises, bargaining, and selling, cloathing, handicraft, and other art and faculty, being such kind of persons, and in such places as heretofore, within the space of 40 years then before passed, have accustomably used to pay such personal tithes, or of right ought to pay, (other than such as the common day-labourers) shall yearly, at or before the feast of Easter, pay for his personal tithes the 10th of his clear gains; his charges and expences, according to his estate and condition or degree, to be there allowed, abated, and deducted; with a proviso for some remedy to be had therein before the ordinary, in the case of tergiversation or refusal." But the power of the bps. and other ordinaries, growing less and less, and little or no execution following in that behalf, this last clause proved of little benefit to those whom it most concerned; who, living for the most part in market towns, and having no predial tithes to trust to, are thereby in a far worse condition than the rural clergy."

*Attainder of Tho. lord Seymour.*] Feb. 25th a bill was brought in to the lords for the Attainder of sir Tho. Seymour, knt. lord Seymour of Sudley, lord high admiral of England, own uncle to the king, and brother to the Lord Protector. It was read a 2nd and 3rd time, on the next day, and the day following: but, before it passed the Lords, "it was thought good," says the Journal, "to send down certain ministers of the upper house, to declare unto the members of the nether house, the manner after which the lords had proceeded in this matter; and to declare unto them also, that if they minded to proceed in like sort, certain noblemen, who had given evidence against the said admiral, should be sent unto them, to declare, by mouth and presence, such matter as by their writing should in the mean time appear before them." After which follows this mem. "that it appears by the Journal Book, as well this day, as at every several reading of the bill for the Attainder of the lord Tho. Seymour, lord admiral, that the Lord Protector, his brother, was present."

March 2nd, another article is entered on the Journal, relating to the aforesaid bill, in these words: "this day were sent down the master of the rolls, sir Jas. Hales, and serj. Mollineux, with like commission, in effect, as was sent down the Wednesday before. Answer was made, that they would consult together, and thereupon they would with speed send up their resolution; but no haste having been made therein by them of the nether house, and the lords having sat so long, as they thought the time very far spent, they concluded to depart; desiring the Lord Protector that it would please him to receive such answer as should be sent, touching this matter, from the nether house, and to make report thereof at the next assembly, which should be on Monday next." But though we find that the protector was present on that day, yet no message from the commons is entered; and we are only told, that on March 5th, the bill for the Attainder of the Lord Admiral was sent up, amongst others, as passed by that house.

But by the Journals of the Commons it appears, that this bill was read there the last day of Feb. for the 1st time; again on March 1st; and that March 2nd, the master of the rolls, serj. Mollineux, serj. Hales, and the king's solicitor, were sent from the lords, to know the pleasure of the house, if it should be resolved there to pass upon the Attainder of the Admiral in such order as was passed in the higher house. Hereupon it was ordered, that advertisement thereof should be sent to the Lords by some of that house. Then it was resolved, that the evidence should be heard orderly, as it was before the Lords. And also to require, that the Lords who affirmed that evidence might come hither and declare it 'viva voce.' And this to be delivered to the Lord Protector, by Mr. Speaker, and other the king's privy council, in that house.

March 4th, the master of the rolls, &c. declared the king's pleasure to be, that the admiral's presence was not necessary in this court, and therefore he need not be there: and further declared, that if the house required to have the Lords to come, and to satisfy them for the evidence against the admiral, the Lords would come. Then it was ordered, that Mr. Comptroller, and others of the king's privy council, should hear the Lords, and require, that if it were judged necessary to have the Lords come, that upon any further suit they might come down to their house. The same day the bill for the attainder of sir Tho. Seymour, lord Seymour, was read a 3rd time and passed.

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It appears by the Journals, that the duke of Somerset, as Protector, sat in the house of Lords every day, whilst the bill of attainder against his own brother was depending; and no doubt voted in this case of blood. From whence we may infer, that the prosecution was but too pleasing to him: since he might have been well excused from such an attendance on the fate of so near a relation, as well as signing a warrant for his execution. On the 20th of March the Admiral was beheaded; but it was amply returned upon the Protector in a short space after; and, as Grafton observes, "the fall of one brother proved the overthrow of the other."

*A Subsidy.*] March 12th, a bill was passed for granting a Subsidy from the Temporality to the king's maj. This, as the act expresses it, was a relief out of sheep, cloths, goods, and debts, &c. to be paid in 3 years. The Clergy granted 6d. in the pound, to be paid also in 3 years. In the preamble to their bill they acknowledged the great quietness they enjoyed under the king, having no let nor impediment in the service of God. But the laity set out their Subsidy with a much fuller preamble "of the great happiness they had by the true religion of Christ; declaring that they were ready to forsake all things rather than Christ; as also to assist the king in the conquest of Scotland, which they call a port of his dominion; therefore they gave 1s. in the pound on all mens' personal estates, to be paid in 3 years."

March 14th, the king being present in the house, all the great officers of state, 2 marquisses, 8 earls, 17 bps. and 17 barons, the bills all obtained the royal assent. After which, his maj. in person, prorogued this parl. again to the 4th of Nov. next ensuing. There are the titles of no less than 60 acts passed this session in the Lords' Journals; in the printed book of Statutes only 39. For the titles of the public acts passed in this session, we refer the reader to the list at the end of this reign.

*Act against eating Flesh in Lent, &c.*] We must not omit making mention of an act which was passed this session, against eating Flesh in Lent. In the preamble of which it is said, "that though it is clear, by the word of God, that there is no day, nor kind of meat, purer than another, but that all are in themselves alike; yet many, out of sensuality, had contemned such abstinence, as had been formerly used; and since abstinence was a means to virtue, and to subdue men's bodies to their soul and spirit, and was also necessary to encourage the trade of fishing, and for saving of flesh; therefore all former laws about fasting and abstinence were to be, after the 1st of May, repealed; and it was enacted, that from the 1st of May, none should eat flesh on Fridays, Saturdays, ember days, in Lent, or any other days that should be declared fish-days, under several penalties. A proviso was added, for excepting such as should obtain the king's licence, or were sick and weak; and that none should be indicted but within 3 months after the offence."

And lastly, we shall conclude our account of the proceedings of this session, in the words of another ecclesiastical writer (*a*), though it is on a quite different affair, but perhaps more conducive to the public good than any of the former.

*Bills for Relief of the Poor.*] "There was one thing," says Strype, "debated in this parl. which may deserve to be here related. For the pacifying of the people, and making the condition of the Poor easier against grasiers and gentlemen, who enclosed commons. and neglected tillage, John Hales, (that had been lately in a commission to enquire into inclosures, and then saw and pitied the oppression of the poor country-people) devised 3 bills to be put into parl.; unto which he first made many wise men privy. The one was for the re-edifying of houses decayed, and for the maintenance of tillage and husbandry. The other, against regrating of victuals and other things, wherein one principal point was, that neither grasiers, nor none else, should buy any cattle, and sell the same again within a certain time. For as the said Hales had learned, and knew of certainty, divers grasiers and sheepmasters brought both cattle and money to the market, and if they could not sell their own as dear as they listed, they carried them home again, and bought all the rest. These 2 bills were first put to the lords. The first being read was not liked. The 2nd they allowed and augmented, and sent down to the Lower House; where it was so debated and tossed up and down, and at last committed to such men, and there so much deferred, that men's affections might there have been notably discovered. And perhaps, (said Hales, relating this matter in a writing of his) he that had seen all this would have said, "That the lamb had been committed to the wolfe's custody." The 3rd bill was set forth first in the lower house, and tended to this end, That every man that kept, in several pastures, sheep or beasts, should keep, for every 100 sheep that he had above six score, two kine; and for every of these two kine, should rear one calf. And for every two kine that he kept beside, more than ten, he should rear one calf. By this means he thought and believed, that the nation should not only have plenty of beasts, whereof there was wonderful great decay, but also thereby the markets should be replenished with milk, butter and cheese, the common and principal sustenance of the poor. The said Hales had such an opinion of this bill, that he durst have laid his life on it, that if it had proceeded, there would have been, within 5 years after the execution thereof, such plenty of victuals, and so good and cheap, as never was in England; and besides, a great many good things ensue, very necessary and profitable for the commonwealth of the country. Which neither by the execution of the late commission, nor yet by any positive law, then in being,

(*a*) Strype's Ecclesiast. Memor. vol. II. p. 134.

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could be holden. But, says Hales, Demetrius and his fellows soon spied whereunto this thing tended. There was then "hold with me, and I will hold with thee." Some alledged the opinion of their fathers in time past (but these had been great sheep-masters) who when the like bill had been propounded, would never consent unto it, but said that when any scarcity of cattle was, a proclamation was made that no calves should be killed for a time. Some alledged, that men then eat more flesh than they did in time past; and that in Lent and other fasting days heretofore, the people eat neither butter, milk, nor cheese, and would have them do so again for policy sake. And thus these rich inclosers got the better of these good bills intended for the benefit of the poor."

*Act relating to Riots, &c.*] Nov. 4th, the parl. met again. The first thing we find that the Lords went upon, was to bring in a bill against the spreading of false and vain Prophecies against the king or his council; since by such means the people were disposed to sedition. For the first offence, it was to be punished by a year's imprisonment, and 10l. fine; for the next, it was imprisonment during life, with the forfeiture of goods and chattels. Also another against the Rising of the common People into unlawful assemblies; by which much mischief had been done lately in the kingdom. By this it was enacted, that if any to the number of 12 should meet together unlawfully, for any matter of state, and continue for the space of an hour, and, being required by any lawful magistrate, should not disperse themselves, it should be treason. It was made felony also to gather the people together without warrant, by ringing of bells, sound of drum or trumpet, or firing of beacons. And if any broke hedges, or violently pulled up pales, about inclosures, without lawful authority, it should be felony. All these laws were made on account of the tumults during the last year, which spread into almost every county of England.

*Bill for enforcing the Ecclesiastical Laws, &c.*] Nov. 14th, all the bishops joined in a complaint to the lords, "that they were much despised by the common people; that vice and disorder much abounded; and that they durst not punish any sin, by reason that some late proclamations had almost totally deprived them of any jurisdiction; so that they could not oblige any person to appear before them, or observe the orders of the church." This complaint was heard, not without much concern by the rest of the lords; and that they might put a speedy stop to this evil, the prelates were desired to draw some form of a statute for that purpose.—On the 18th, a bill was brought into the house, and read once, but rejected; because by it the bps. seemed to arrogate too much power to themselves; therefore it was thought advisable to appoint some prudent persons, of each order, after mature deliberation on the point, to draw up a 2nd bill. And the abp. of Canterbury, the marq. of Dorset, the bps. of Durham, Ely, Litchfield and Coventry; the lords Wharton and Stafford, to whom were joined the lord Monteagle, lord chief justice of the common-pleas, the lord chief baron, the king's attorney and solicitor-general were appointed a committee for that purpose. But, to make short of this business, though the lords passed a second bill for the due Execution of Ecclesiastical Laws, one clause of which was, That no person should be employed in them who had not been a student for some years in an university; yet it was laid aside by the Commons, after a 2nd reading in that house. "They thought it better," says bp. Burnet, "to renew the design that was in the former reign, of 32 persons being authorised to compile a body of Ecclesiastical Laws; and these, being nothing contrary to the common and statute laws of the land, should be published by the king's warrant, under the great seal, and have the force of laws in the ecclesiastical courts." The effect which this ordinance had, will appear in the sequel.

*Proceedings against the D. of Somerset.*] This parl. sat every day during the Christmas holidays, except on the Great Festival; from which thing, we may imagine some matter of moment was in agitation. Accordingly, on the 2d of Jan. 1550, the Journal informs us, that the grand affair of the duke of Somerset came before them; introduced in this manner: "That as the said duke, for divers great crimes, committed against the king and kingdom, had, on the 14th of Oct. last, been thrown into prison; this day a bill was read in the house, in which were contained 29 Articles against him; all and singular of which the said duke had signed with his own hand; and had humbly cast himself upon his maj.'s judgment and will. Which voluntary confession, confirmed by his subscribing it, they all made no doubt of; nevertheless, considering how easily precipitate judgments may be drawn into precedents, they thought proper, from their body, to send 2 earls, 2 barons, and 4 bps. to learn from his own mouth, whether the said duke signed the said Articles voluntarily, or by compulsion. And the earls of Westmorland and Bath, the bps. of Litchfield, Hereford, Worcester and Westminster, the barons Cobham and Morley, were named for that purpose." On the next day, the said lords commissioners informed the whole house, that they had been with the said duke, and that he had acknowledged to them the signing of the said Articles, and confessed all the crimes and errors contained in them. And, besides, he returned his most hearty thanks to the house, for their great humanity in sending such an honourable embassy to him. Bp. Burnet writes, from the Council-Book, that the duke had made his confession, on his knees, before the king and council, and signed it on the 13th of Dec. last. He protested that his offence had flowed from rashness and indiscretion, rather than malice, and that he had no treasonable

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design against the king or his realms. So he was fined, by act of parl. in 2000l. a year in land, and the forfeit of all his goods and offices, which were earl marshal, lord treasurer, and lord protector. But his carriage after this appeared so meek and humble, that the king was prevailed upon to pardon him for that time. And, some time after, to make him, again, one of his privy council.

*Sons of Peers.*] We must not omit one circumstance relating to the rules of the house of commons, mentioned in their Journal. It seems that before this time the eldest sons of peers were not allowed to be members of that house; and that sir Francis Russel, being, by the death of his elder brother, heir apparent to the lord Russel, it was, upon the 21st of Jan. carried upon a debate, "That he should still abide in the house as he was before."

Feb. 1, the king came to the house, and, after giving the royal assent to the bills, prorogued the parl. to the 21st of April next following. The Journals of the Lords give us the titles of 31 Acts that were passed this session; the Statute-Books only 24.

*Act for defacing Images.*] An act was passed in this session, by which it was declared, That all books used in churches, such as Antiphonales, Missals, Grayles, Processionals, Manuals, Legends, Pies, Portuasses, Journals, Couchers and Ordinals, after the use of Sarum, Lincoln, York, or any other private use, should be destroyed: and all those who had any image, that did belong to any church or chapel, were required to deface it before the last day of June. And, in all primers, in Latin or English, set out by the late king, the prayers to the saints were to be obliterated. By virtue of this act, visitors were appointed to visit the churches in London; and all the Images, at st. Paul's and the other churches in the city, were taken down and broke in pieces; which example was afterwards followed through all the other churches in England. By which a great many beautiful out-side fronts, in our cathedrals, &c. were much deformed; the pedestals and niches ever since left bare and naked, the images being almost all destroyed at this time. But there was a proviso, in this act, That Images upon the tombs of any king, prince, nobleman, or other dead person, not reputed a saint, might still remain.

From the 21st of April, this parl. was again prorogued, to the 10th of Oct. next ensuing. And from that day another prorogation took place to the 20th of Jan. 1551; from which time it suffered one more prorogation to the 2d of March, but did not meet to transact business, till the 23d of Jan. 1552.

*A new Book of Common Prayer authorized by Parl.*] Jan. 23, a bill was brought into the Lords for the appointing of an Order to come to Divine Service; which was agreed to on the 26th, and sent down to the commons. Here it laid a long time, for it was not till the 6th of April that we hear of it again; when we find it tacked to another bill by the commons, called, 'An act for the uniformity of service and administration of sacraments throughout the realm.' Which was to authorise a new Common Prayer-book, according to some rules agreed on last year. This the Commons joined to the former, and so put both into one act: by this it was first set forth, "That an Order of Divine Service being published, many did wilfully abstain from it, and refused to come to their parish churches; therefore all are required, after the feast of Allhallows next, to come every Sunday and holiday to common-prayers under pain of the church's censure. And the king, the lords temporal, and the commons, did, in God's name, require all abps. bps. and their ordinaries, to endeavour the due execution of that act, as they would answer before God for such evils and plagues, with which he might justly punish them, for neglecting this good and wholesome law; and they were fully authorised to execute the censures of the church on all that should offend against this act." To which is added, "That there had been divers doubts about the manner of the ministration of the service, rather by the curiosity of the ministers and mistakers, than of any other cause; and that for the better explanation of it, and for the greater perfection of the service, in some places where it was fit to make the prayer and fashion of service more quick and earnest, to stir up christian people to the true honouring of Almighty God; therefore it had been by command of the king and parl. perused, explained, and made more perfect." There was also, annexed to it, the form of making bps. priests and deacons; and so this new book of service was appointed to be every where received, after the feast of All Saints next, under the same penalties that had been enacted 3 years before, when the former book was issued.

*Bill for the Marriage of the Clergy.*] Feb. 6, a bill for the Marriage of the Clergy was brought in to the lords, and passed on the 10th. By it was set forth, "That many took occasion, from the words in the act formerly made about this matter, to say, that it was only permitted, as usury and other unlawful things were, for the avoiding greater evils; who thereupon spoke slanderously of such Marriages, and accounted the children, begotten of them, to be bastards; to the high dishonour of the king and parl. and the learned clergy of the realm; who had determined, that the laws against priests Marriages were most unlawful by the law of God; to which they had not only given their assent, in convocation, but signed it with their own hands. These slanders did also occasion that the word of God was not heard with due reverence; whereupon it was enacted, That such Marriages, made according to the rules prescribed in the book of service, should be esteemed good and valid; and that the children, begot in them, should be inheritable according to law."



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*Act relating to High Treason.*] Feb. 16, an act for the punishment of divers kinds of Treasons was brought into the lords, and passed on the 20th. But, when it was sent down to the commons, it occasioned a long debate, and many sharp things was said of those who now bore the sway. It was urged, that at the beginning of this reign the ministry then put in a bill for lessening the number of such offences; but now they saw, by the change of councils, more severe laws were proposed. At last the commons rejected the bill, but drew up a new one, which passed into a law. By it was enacted, "That if any should call the king, or any of his heirs, named in the statute of the 35th of the last reign, heretic, schismatic, tyrant, infidel, or usurper of the crown; for the 1st offence, they should forfeit their goods and chattles, and be imprisoned during pleasure; for the 2nd, should be in a præmunire; for the 3rd should be attainted of treason. But, if any should unadvisedly set it out in writing, printing, painting, carving, or graving, he was, for the 1st offence, to be held as a traitor. Likewise, that those who should keep any of the king's castles, artillery, or ships, 6 days after they were lawfully required to give them up, should be guilty of Treason. That men might be proceeded against for Treasons committed out of the kingdom as well as in it. They also added a proviso, that none should be attainted of Treason on this act, unless two witnesses should come, and to their face aver the fact, for which they were to be tried; except such as, without any violence, should confess it; and that none should be questioned for any thing, said or written, but within three months after it was done."

Feb. 22. In the Commons it was ordered, That if any burgess require Privilege for him or his servant, he shall, upon declaration, have a warrant, signed by Mr. Speaker, to obtain the Writ.—And, for that, Wm. Ward, burgess of Lancaster, obtained a writ of Privilege out of the chancery, without a warrant from this house; it is committed to Mr. Mason, and others, to examine the matter and certify.

*Act for Observance of Holy Days.*] March 3rd, a bill was brought into the Lords for the Observation of Holy Days and Fasting Days. It was sent down to the commons on the 15th, by whom it was passed. In the preamble to this bill it was set forth, "That men are not at all times so set on the performance of religious duties as they ought to be; which made it necessary that there should be set times, in which labour was to cease, that men might on these days wholly serve God. Which days were not to be accounted holy of their own nature, but were so called because of the holy duties then to be set about; so that the sanctification of them, was not any magical virtue in that time, but consisted in the dedicating them to God's service. That no day was dedicated to any saint, but only to God in remembrance of such saints. That the scripture had not determined the number of holy days, but that these were left to the liberty of the church. Therefore it was enacted, that all Sundays, with the days marked in the Calendar and Liturgy, should be kept as holy days; and the bishops were to proceed by the censures of the church against the disobedient." A proviso was added, for the observation of St. George's feast by the knights of the garter; and another, that labourers and fishermen might, if need so required, work on those days either in or out of harvest. The eves before holy days were to be kept as fasts; and in Lent, and on Fridays and Saturdays, abstinence from flesh was enacted. But, if a holy day was to fall on a Monday, the eve for it was to be kept on Saturday, since Sunday was never to be a fast.

*Act for Relief of the Poor.*] March 5th, a bill was read in the Lords, for the 1st time, for Taxes and Assessments for relief of poor and impotent persons, and committed. The bill bears this title in the Lords' Journal, and it passed the house in that form. But this gave occasion to some members in the commons, when the bill came before them, to take notice, that it was designed to lay a tax on the subject; which was a jealousy not easy to get over in those days. So that when the act passed it had only this title, "an act for the Provision and Relief of the Poor;" by which the churchwardens were empowered to gather charitable contributions for the poor; and if any did refuse to contribute, or did dissuade others from it, the bishop of the diocese was to proceed against them.

*Act relating to Usury.*] Another bill was brought in against usury, which passed both houses, and was made a statute. By it, an act passed in the 37th of the late king, "that none might take above 20 per cent. on money lent," was repealed; which they said was not intended for the allowing of Usury, but for preventing further inconveniences. And since Usury was by the word of God forbidden, and set out in divers places of scripture as a most odious and detestable vice, which yet many continue to practise, for the filthy gain they make by it: therefore, from the 1st of May, all usury or gain from money lent was to cease; and whosoever continued to practise to the contrary, was to forfeit both principal and interest, to suffer imprisonment, and to be fined at the king's pleasure." This severe act has been since repealed.

*Privilege of Parl.*] March 18th it was ordered, "that Hugh Fludde, servant to sir A. Wyngfylde, shall have privilege." On the 20th a supplication was exhibited, by John Gurdon, Frenchman, to undo the Privilege granted to Hugh Fludde. On the 28th it was ordered, "that a procedendo shall be directed to set Hugh Fludde without the privilege of this house, as he was before, and the serjeant to deliver him prisoner to the sheriffs of London." On the next day, "where the serjeant delivered H. Fludde to a serjeant of London, he made an assault upon that serjeant, and

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escaped out of his ward; whereof, by credible report made to this house, it is ordered, that the serjeant shall require mr. comptroller to send to this house to-morrow, by 8 o'clock, H. Fludde and — Creketoste, to know the further pleasure of the house. On the 30th mr. comptroller did send Fludde and Creketoste to the house; whereupon was declared by the sheriff's serjeant, the misdemeanor and escape of Fludde, by the means of Creketoste; whereupon it is ordered, that Fludde and Creketoste shall be sent prisoners to the gate-house till to-morrow. On the morrow, the 31st, it was ordered that H. Fludde shall be remitted to the counter of London, in such case as he was before the privilege granted by this house unto him; and if Fludde shall agree with Gurdon, that notwithstanding to abide the order of this house if it be fitting; and if not, then to abide the order of the king's council, for the punishment of this misdemeanor, when it shall be ordered. For Creketoste, it is ordered, that he should remain in ward, where he was, and to bring him hither to-morrow, at 10 o'clock; and it is ordered, that two members shall make report to mr. comptroller of the misdemeanor of Fludde and Creketoste. On the next day it is ordered, that Creketoste shall be sent prisoner to the Tower, by the serjeant of this house. April 5th, he is ordered to be discharged of the imprisonment, paying his fees. April 15th, the day of the dissolution of the parl. it is ordered, that H. Fludde, prisoner in the counter, shall so remain, until he have satisfied or agreed with Gurdon; and that then the said Fludde shall be delivered to the serjeant of this house, and discharged of his imprisonment there, notwithstanding any other action being brought against him in London, sithence his first arrest for this matter,

*Duke of Somerset attainted and beheaded.*] April 12th, the Journal informs us, a bill was read in the lords a 3rd time, "for the limitation of the late duke of Somerset's lands; and also one other bill, confirming the attainder of the said duke, sir Tho. Arundele, sir Michael Stanhope, sir Ralph Fane, and sir Miles Partridge. Which being 3 times read, and agreed unto by the Lords, were sent down to the lower house by serj. Brooke and the king's solicitor, with request that it might be annexed to the aforesaid act against the duke."—The duke of Somerset had again fallen into a trap, which his enemies had laid for him; but he did not escape so well in this, for it proved fatal to him. He was tried by his peers, on an indictment of high treason and felony; acquitted of the first, but found guilty of the felony; for which he was beheaded on Tower-hill. The statute on which this nobleman was condemned is mentioned before; but the main reason which made him a prey to the earl of Warwick, and the rest of his implacable enemies, was the loss of his brother: his own strength and capacity not being sufficient to stem the violence of the stream which then run against him. Bp. Burnet writes, "that the duke of Somerset's estate had been entailed, by act of parl. on his son, in the 25rd of the late reign; and that the bill for the repeal of the said act was sent down to the commons, March 3rd, and signed with the king's own hand. Whether the king was so alienated from his uncle, that this extraordinary thing was done by him for the utter ruin of his family or not, he cannot determine; but he rather thinks it was done in hatred to the duchess of Somerset and her issue. For the estate was entailed on them by that act of parl. in prejudice of the issue of the former marriage, of whom are descended the Seymours of Devonshire, who were disinherited and excluded from the duke of Somerset's honours by his patents, and from his estate by act of parl. partly upon some jealousies he had of his former wife, but chiefly by the power his second wife had over him." However, this bill of Repeal was much opposed in the commons, though sent to them in so unusual a way by the king himself. And though there was, on the 8th of March, a message sent from the lords, that they should make haste towards an end of the parl. yet still they stuck long upon it; looking upon the breaking of entails, made by act of parl. as a thing of such consequence, that it dissolved the greatest security which the law of England can give to property. It was long argued in the commons, and was 15 several days brought in. At last a new bill was devised, and that was much altered too; and it was not quite ended till the day before the parl. was dissolved. But near the end of the session, a proviso was sent by the Lords to be added to the bill, confirming the attainder of the duke and his accomplices. It seems his enemies would not try this at first, till they had by other means measured their strength in that house; and finding their interest grow there, they adventured on it; but they mistook their measures, for the commons would not agree to it; though, in conclusion, the bill of repeal was agreed to. But, whereas there had been some writings for a marriage between the earl of Oxford's daughter and the duke of Somerset's son, and a bill was put in for cassating them; it was carried in the negative, on a division of the house, 69 against 68." The prelate here remarks, "that 137 members was a very thin house at that time; but this, he adds, was a natural effect of a long parl.; many of those who were first chosen being infirm, and others not willing to put themselves to the charge of so constant and long attendance." We have chose to copy bp. Burnet, in his account of these particulars; but either he or the Journals of the Lords must err in some of them. It appears evidently, by that authority, that there was no mention made of either of these bills against the duke, till the 11th of April, when the Limitation-Bill was sent up from the lower house; it was read a 1st and 2nd time that day, and a proviso added to it; and the day following it

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passed the Lords, and had there the bill of Attainder tacked to it, in the manner above recited.

The bill of Attainder not passing in the Lower House against the duke of Somerset; the proviso in the Treason-Act, mentioned before; and that house refusing to pass the bill against the bp. of Durham, unless he was confronted by witnesses before them, shewed plainly what sense the commons had of this duke's condemnation. It also gave the duke of Northumberland a perfect knowledge how little kindness they had for him; for this parl. being called by Somerset, his friends had been generally chosen to be in it; and it is no wonder, if upon this fall, they were not over complaisant to those who had destroyed him. In short, the minister made no motion for a supply this session, though the king's debts were then very great; and to gain one he found it necessary to call a new parl. Accordingly, on the 15th of April, the old one was dissolved, after sitting almost 5 years; and the minister made it his business, all that summer, to gain friends all over England, in order to have another parl. the next year more fit for his purpose.

*A new Parl. called.*] Towards the close of the year 1552, the king called a new parl. and great care was taken by the court to have it answer their expectations. Strype tells us, that "the king, as his years came on, began to set himself about business; and, as he intended to have this parl. composed of men endowed with good and great abilities, to consult with him on the pressing affairs and difficulties of his kingdom, he caused letters to be written to every sheriff in the realm, directing them whom to choose for that purpose." It is very probable, that the duke minister put this specious gloss upon it, in order to impose upon the king's natural goodness; but this way of proceeding, by influencing elections, is by no means justifiable by the ancient custom and usage of the realm. The letter itself, which the aforesaid author has given us, is a sufficient testimony of this. It is as follows:

"Trusty and well-beloved, we greet you well. Forasmuch as we have, for diverse good considerations, caused a summonition for a parl. to be made, as we doubt not but yee understand the same by our writs sent in that behalf unto you; we have thought it meet for the furtherance of such causes, as are to be propounded to the said parl. for the common weal of our realm, that in the election of such persons as shall be sent to the parl. either from our counties, as knights thereof, or from our cities and boroughs, there be good regard had, that the choice be made of men of gravity and knowledge in their own countries and towns, fit for their understandings and qualities, to be of such a great council. And therefore, since some part of the proceeding herein shall rest in you, by virtue of your office, we do, for the great desire we have that this our parl. may be assembled with personages out of every country, of wisdom and experience, at this present, will and command you that ye shall give notice, as well to the freeholders of your county, as to the citizens and burgesses of any city or borough, which shall have any of our writs by your direction, for the election of citizens and burgesses, that our pleasure and commandment is, that they shall chuse and appoint, (as nigh as they possibly may) men of knowledge and experience, within the counties, cities and boroughs; so, as by the assembly of such, we may by God's goodness provide (thorough the advice and knowledge of the said parl.) for the redress of the lacks in our commonweal, more effectually than heretofore hath been. And yet, nevertheless, our pleasure is, that where our Privy Council or any of them within their jurisdictions, in our behalf, shall recommend men of learning and wisdom; in such case their directions be regarded and followed, as tending to the same which we desire, that is, to have this assembly to be of the most chiefest men in our realm, for advice and good council."

After this followed several letters, from the king himself, recommending particular persons to the high sheriffs to be elected knights. The writs for calling this parl. and these letters were sent out in Jan. 1553, and it was ordered to meet the 1st of March following. John Stowe gives us the ceremonials at the opening, in this manner. "The 1st of March began a parl. at Westminster; and all the lords spiritual and temporal, assembled that daie in the Whitehall, in their robes, where a sermon was preached in the king's chapel, by dr. Ridley bp. of London, and his maj. with diverse lords received the communion. Which being done, the king, with the lords in order, went into the king's great chamber, on the king's side, which that day was prepared for the lorde's house, the king sitting under his cloth of estate, and all the lords in their degrees; the bp. of Ely, dr. Godricke, ld. chanc. made a proposition for the king, which being ended the lords departed. This was done because the king was sickly."—But the reason why this parl. sat at Whitehall was, because the king was so far gone in a consumption that he was not able to go Westminster. The next day, the same author tells us, that James Dyer, or Diar, esq. was chosen Speaker of the commons. And now the Lords Journal informs us, that the first thing of note that they went upon, was to bring in a bill, for the better answering the revenues of the crown, that all treasurers and other persons, having the receipt of any of the king's money, shall be yearly accountable, and put in sureties for the same. This bill occasioned some debate, and on the 3d reading, the earl of Pembroke, the lords Morley, Borough, Bray, Wentworth, Russel, and Rich, protested against it. And when it was sent down to the Commons they wholly rejected it; but sent back a new bill to the same purpose which passed into a statute. Two other bills also, in relation to the state

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of the Coinage, were introduced; the 1st was, that it should be felony to give for any of the current coin of the kingdom above what was appointed by the king's proclamation. The other, against the exportation of Gold and Silver out of the realm. The 1st was rejected, but the last passed into a law; which was no more than reviving a statute made the 17th Edw. 4, for the same purpose; and was to continue for 20 years.

*A Subsidy.*] March 13. A bill for a subsidy and two 15th's and 10ths, by the temporality, was sent up by the commons, and passed by the Lords on the 17th; it was granted for two years. This bill occasioned great debates in the lower-house. The preamble to it was a long accusation of the duke of Somerset, "For involving the king in wars, wasting his treasures, engaging him in much debt, embasing the coin, and having given occasion for a most terrible rebellion. In fine, considering the great debt the king was left in by his father, the loss he put himself to in reforming the coin, and they finding his temper to be set wholly on the good of his subjects, and not on enriching himself; therefore they gave him two 10ths and two 15ths for two years." Whether the debate in the commons was upon this extraordinary demand of a supply, or on the preamble is uncertain. But, it is probable, that when the bill came to be engrossed it was on the latter; which the duke of Northumberland and his party, were the more eagerly set on, to let the king see how acceptable they were, and how hateful the duke of Somerset had been to the people. The clergy also, to shew their affection and duty, says Burnet, gave the king 6s. in the pound on all their benefices; which grant, according to custom, ever since the Reformation, was confirmed by parl.

*Ecclesiastical Promotion.*] March 21, a bill was sent down from the Lords, that none might hold any Spiritual or Ecclesiastical Promotion, unless he was either priest or deacon. The reason of it was, because many noblemen and gentlemen's sons had prebends given them, on this pretence, that they intended to fit themselves, by study, for holy orders; but these they kept, though their studies went no farther. The bps. had prevailed upon the lords to pass the bill; but, at the 3rd reading, it was cast out by the Commons; which shews what poor interest the clergy had then in that house when so reasonable a bill was rejected.

*The Bishoprick of Durham suppressed.*] The most extraordinary act, on Church Affairs, which passed this session, was that for the Suppression of the Bishoprick of Durham. The bill was brought into the lords on the 20th of March, and passed both houses soon after. The preamble sets forth, "That this bishoprick being then void of a prelate, the gift thereof was in the king's pleasure; and the compass of it being so large as to extend itself into several shires far distant, it could not be sufficiently served by one bp.; and since the king, by his godly disposition, was desirous to have God's holy word preached in those parts, which were wild and barbarous for lack of good preaching and good searching: therefore he intended to have two bishopricks for that diocese; the one at Durham, which should have 2000 marks yearly revenue, and another at Newcastle with 1000; and also to found a cathedral church at the latter place, with a deanry and chapter, out of the revenues of the said bishoprick. Therefore the bishoprick of Durham is utterly extinguished and dissolved, and authority is given for letters patents to erect the two new bishopricks together with a deanry and chapter at Newcastle; with a proviso that the rights of the deanry, chapter, and cathedral of Durham, should suffer nothing by this act."

In the Journals are the titles of 17 acts which passed this session; in the printed statutes are only 14. The titles of the Public Acts will be found at the end of this reign. On the 31st of March the king came to the house, and gave the ld. chanc. command to dissolve this parl. after it had sat only 1 month.—Thus ended the last parl. in this reign; for Edw. VI. soon after finished both that and his short life; dying of a deep consumption, July the 6th, 1553, in the 16th year of his age, and the 7th his reign.

### *Taxes during the Reign of Edward VI.*

In the first year of this reign tunnage and poundage was granted for the king's life; besides the revenues arising from suppression of chauntries, &c.—In the next year he had a relief granted him out of sheep, cloths, goods, debts, &c. and 6s. in the pound from the clergy.—In his third year, so much as related to sheep and cloths were released: but the relief for goods continued. A subsidy was also granted him of 1s. in the pound on goods, and of every alien 2s.—In the 7th, and last year of his reign, he had a subsidy of two 10ths and two 15ths. The clergy also gave 6s. in the pound.

### *Price of Provisions in the Reign of Edward VI.*

In 1550, a large house in Channon-row, Westminster, within the precincts of the court, was let to the comptroller of the king's household, at 30s. per ann.—In 1551, wheat, 8s. per qr.; malt, 5/1; malmsey, 4d. per qt.; oats, 8s.; straw, 5s. per load; coals, 12s. per ditto.—In 1552, barley, 5s. In this year the price of French wines, of Gascoygne and Guynne, were settled by parl. at 8d. per gallon; wines of Rochel, at 4d.; and no other wines of higher value to be sold for more than 12d.—In 1553, wheat, 8s. per qr.; malt, 5s.; Muscadel wine, 6d. per quart; Malmsey do. 5d.: red wine, 3d.

### *List of Counties and Boroughs to whom the Privilege of sending Representatives to Parl. was granted or restored by Edward VI.*

| | |
|---|---|
| Saltash | Grampound |
| Camelford | Bossiney |
| Portpigham, alias Westlow | St. Michael |
| | Newport |

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| | |
|---|---|
| St. Albans | Thetford |
| Maidstone (*a*) | Peterborough |
| Preston | Brackley |
| Lancaster | Petersfield |
| Wigan | Litchfield |
| Leverpool | Heydon |
| Boston | Thirsk |
| Westminster | |

Boroughs 22—Members 44.

*Acts passed passed in the Reign of Edward VI.*

1 Edw. VI.—1. An act against such persons as shall unreverently speak against the Sacrament of the Altar, and of receiving thereof under both kinds. 2. For the election of bishops. 3. For the punishing of vagabonds, and for the relief of the poor and impotent persons. 4. For tenures holden *in capite*. 5. That no horses shall be conveyed out of this realm, and other the king's dominions without licence. 6. For the continuance of making of worsted yarn in Norfolk. 7. For the continuance of actions after the death of any king. 8. For the confirmation of letters patents. 9. For the uniting of certain churches within the city of York. 10. For the exigents and proclamations in Wales, and in the county palatine of Chester, and also in the city of Chester. 11. For the repeal of a certain statute made in the 28th year of the reign of the late king of most famous memory, Henry VIII. for revoking of acts of parliament. 12. For the repeal of certain statutes concerning treasons, felonies, &c. 13. For the subsidy of tunnage and poundage of merchandizes, with a proviso for the confirmation of the privileges of the merchants of the Stil Yard; which proviso shall endure but only to the end of this parl. 14. Whereby certain chauntries, colleges, free chapels, and the possessions of the same, be given to the king's majesty. 15. Concerning the king's most gracious general pardon.

2—3 Edw. VI.—1. An act for the uniformity of service and administration of the Sacraments throughout the realm. 2. For the reformation of captains and soldiers serving in the wars. 3. Touching purveyors. 4. For the sheriffs of England to have certain allowances upon their accounts. 5. Touching the remitting of fee-farms for three years. 6. Against the exaction of money and other things, by any officer for licence to traffic into Ireland. 7. Against the crafty and deceitful buying of pensions. 8. Touching the finding of officers before escheators. 9. For the true currying of leather. 10. For the true making of malt. 11. For the true tanning of leather. 12. For the assurance to the tenants, of grants and leases made of the duke of Somerset's demean lands. 13. For the true payment of tithes. 14. Against the shooting of hail-shot. 15. Touching victuallers and handicraftsmen. 16. For the removing of such as have the custody of castles and fortresses upon the borders, and beyond the seas. 17. For the confirmation of the attainder of sir Wm. Sharington, knt. 18. For the attainder of sir Thos Seimor, knt. lord Seimor of Sudley, and high admiral of England. 19. For the abstinence from flesh in Lent. 20. An Incumbent for not paying his tenths due to the king, the same being demanded, shall be deprived of that benefice. 21. To take away all positive laws made against the marriage of priests. 22. Concerning the colouring of customs in other men's names, to the deceit of the king. 23. For the repeal of a statute touching marriage contracts. 24. For the trials of murders and felonies, committed in several counties. 25. For the keeping of county-days. 26. Against the carrying of white ashes out of this realm. 27. Against the false forging of gadds of steel. 28. For fines with proclamations in the county palatine of Chester. 29. Against sodomy. 30. For the towns of Rye and Winchelsey, and for the casting of ballast into the Camber. 31. For the city of Chester, touching the taking of recognizances. 32. For the continuance of certain statutes. 33. That no man stealing horse or horses shall enjoy the benefit of his clergy. 34. For the sheriff of Northumberland to be accountable for his office as other sheriffs be. 35. For the confirmation of the subsidy of the clergy. 36. For the relief granted to the king's majesty by the lords and commons. 37. Against the carrying of bell-metal out of the realm. 38. For the paving of Calice. 39. The king's majesty's free and general pardon.

3—4 Edw. VI.—1. An act that the lord chancellor or lord keeper of the great seal for the time being, shall name and appoint the *Custos Rotulorum* throughout all shires of England, according as in times past it hath been accustomed. 2. For the true making of woollen cloths. 3. Concerning the improvements of commons and waste grounds. 4. Concerning grants and gifts made by patentees out of letters patents. 5. For the punishment of unlawful assemblies and risings of the king's subjects. 6. Concerning the repeal of a branch of an act of parliament made in the last session, for buying of tanned leather. 7. For the repeal of a statute made in the 25th year of king Henry VIII. touching the taking of wild-fowl at certain times in the year. 8. For the continuance of the statute of sewers. 9. For the buying of raw hides and calves-skins. 10. For the abolishing and putting away of divers books and images. 11. That the king's majesty may nominate and appoint 32 persons to peruse and make ecclesiastical laws. 12. For the ordering of ecclesiastical ministers. 13. For the restitution in blood of sir Wm. Sharington, knt. 14. For the restitution in blood of Mary Seimor, daughter to sir Thos. Seimor, knt. lord Seimor of Sudley, late admiral of England. 15. Against fond and fantastical prophecies. 16. Touching the punishment of vagabonds and other idle persons. 17. Against

(*a*) It forfeited its privilege under queen Mary, by adhering to Wyat's rebellion; but was restored by queen Elizabeth.

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unlawful hunting in any park, forest, chase, or other inclosed ground. 18. Concerning fee-farms, mentioned in the last session. 19. For the buying and selling of rother beasts and cattle. 20. Touching the repeal of a certain branch of an act passed in the last session of this parl. concerning victuallers and artificers. 21. For the buying and selling of butter and cheese. 22. Touching the retaining of journeymen by divers persons. 23. Concerning the release of the branches in the last act of relief for the payments of sheep and cloths: and also a grant of a subsidy to be paid in one year. 24. Of the king's majesty's most free and general pardon.

5—6 Edw. VI.—1. An act for the uniformity of common prayer and administration of the sacraments. 2. For the provision and relief of the poor. 3. For the keeping of holy-days, and fasting-days. 4. Against quarelling and fighting in churches and church-yards. 5. For the maintenance of tillage, and increase of corn. 6. For the true making of woollen cloth. 7. Limiting the times for buying and selling of wools. 8. Limiting what persons shall weave or make broad woollen cloth. 9. That no man robbing any house, booth or tent, shall be admitted to the benefit of his clergy. 10. To take away the benefit of clergy from such as rob in one shire and flee into another. 11. For the punishment of divers treasons. 12. For declaration of a statute made for the marriage of priests, and for the legitimation of their children. 13. For the declaration of a statute made in the 31st year of king Henry 8, touching religious persons. 14. Against regrators, forestallers, and ingrossers. 15. Against regrators of tanned leather. 16. Against buying and selling of offices. 17. For the continuance of certain statutes. 18. Repealing a statute made in the 4th year of Hen. 7, against the bringing in of wine and wood in strange bottoms. 19. Touching the exchange of gold and silver. 20. Against usury. 21. Against tinkers and pedlars. 22. For the putting down of gig-mills. 23. For the true stuffing of feather-beds, mattrasses and cushions. 24. For the making of hats, dornecks, and coverlets, at Norwich, in the county of Norfolk. 25. For keepers of alehouses to be bound by recognizance. 26. For writs upon proclamations and exigents, to be current within the county palatine of Lancaster.

7 Edw. VI.—1. An act for the true answering of the king's majesty's revenues. 2. For the dissolving, uniting, or annexing of certain courts, lately erected by the king that dead is. 3. For the confirmation of the king's majesty's letters patents of bargains and sales, notwithstanding the lack or loss of the particulars, or the bill assigned of the patentee. 4. That all patentees of collectorships of tenths shall be bound for their collections. 5. To avoid the excessive prices of wines. 6. Reviving, a statute made in the 17th year of king Edw. 4, touching the carrying of gold and silver out of the realm. 7. For the assise of fuel. 8. For the true fulling and thicking of caps. 9. For the making of white plain streights, and pinned white streights, in Devon and Cornwall. 10. For the uniting and annexing of the town of Gateside to the town of Newcastle-upon-Tyne. 11. For the continuance of certain statutes. 12. For the grant of a subsidy and two 15ths granted to the king's majesty by the temporalty. 13. For the confirmation of a subsidy granted by the clergy. 14. For the king's majesty's most gracious, general and free pardon.

## MARY.

On the 8th of Aug. 1553, writs were issued for a parl. to meet at Westminster, on the 5th of Oct. following. In the mean time, it was thought necessary that Mary should be crowned, which was done on the 1st of that month. And, in order to soften the minds of her subjects, and dispose them to a good opinion of her govt. the queen, by the advice of Gardiner, bp. of Winchester, not only put out a general Pardon, but published a proclamation to this effect:—"That whereas the good subjects of England had always exhibited aid to their princes, when the good of the public and honour of the realm required it; and the queen, since her coming to the crown, found the treasury was marvelously exhausted, by the evil govt. of late years, especially since the duke of Northumberland bore rule; though she found herself charged with divers great sums of her brother's debts, which for her own honour, and the honour of the realm, she determined to pay in times convenient and reasonable; yet, having a special regard to the welfare of her subjects, and accounting their loving hearts and prosperity the chiefest treasure which she desired, next to the favour and grace of God; therefore, since in her brother's last parl. two 10ths, two 15ths, and a subsidy, both out of lands and goods, were given to him for paying his debts, which were now due to her; she, of her great clemency, did fully pardon and discharge these subsidies; trusting that her said good subjects will have loving consideration thereof for their parts, whom she heartily requires to bend themselves wholly to God, to serve him sincerely, and with continual prayer, for the honour and advancement of the queen and the commonwealth."

At the time appointed, viz. Oct. 5th, the two houses met at Westminster. The following are the names of the

*Peers summoned to this Parl.*

| | |
|---|---|
| Wm. marquis of Winchester, lord great treasurer of England | Fran. e. of Shrewsbury |
| Tho. lord Fitzwater | Henry earl of Rutland |
| Tho. duke of Norfolk | Francis earl of Huntingdon |
| Henry earl of Arundele | John earl of Oxford |
| John earl of Bedford | Wm. e. of Worcester |
| Edward earl of Derby | Hen. e. of Cumberland |
| Henry earl of Sussex | Henry earl of Westmoreland |

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John earl of Bath
Wm. earl of Pembroke
Edward earl of Devon
Walter visc. Hereford
Tho. West lord De la War
Geo. Brook ld. Cobham
Jn. Nevile ld. Latimer
George Zouche lord Zouche
Henry Parker lord Morley
Rd. Rich, lord Rich
Wm. lord Willoughby
George lord Evers
George lord Darcey
Tho. lord Wharton
Hen. lord Bergavenny
Tho. lord Sandys
John lord Mordaunt
Robert lord Ogle
Wm. lord Burghe
John lord Bray
Tho. lord Vaux of Harradon
Wm. lord Wyndesore
Wm. ld. Grey of Wilton
Charles lord Stourton
Wm. lord Dacres of Gillesland
Tho. Stanley ld. Montegle
Jn. Touchet ld. Audley
Edw. Fenys, ld. Clynton, ld. high admiral of England
Tho. ld. Darcey of Chiche
Wm. lord Paget of Beaudesert
Tho. lord Wentworth
John lord Conyers
Henry lord Stafford
John lord Lumley, of Lumley
George lord Talbot

The parl. commenced with much formality; a solemn mass of the Holy Ghost being sung in Westminster church, according to the ancient custom. The Queen rode thither in her parliament-robes, all the bps. and lords in their scarlet robes attending, trumpets blowing before them. When she heard mass, two bps. waited on her, one whereof delivered her the chapter and other things. Afterwards they all went to the parl. house, the earl of Devonshire bearing the sword, and the earl of Westmoreland the cap of maintenance, before the queen.

The Journals of the lords in this parl. being lost, we must have recourse to the imperfect Journal of the Commons. It is to be observed, that the queen did not alter the style that her father and brother Edward had taken, in the writs for calling this parl. but the 'Supremum Caput Ecclesiæ Ang.' was in them as usual. The aforesaid Journal acquaints us, that John Pollard, esq. was elected Speaker; and that on the 2nd day of the session, one member moved for a review of the laws made by the late king Edward; which, after being argued a while, was for that time laid aside, and the bill for tonnage and poundage put in instead of it. After this a debate arose upon the case of one dr. Nowel, who being returned a member for Loo in Cornwall, and being also a prebendary of Westminster, whether he could sit in that house? A committee being appointed to search for precedents in this case, it was reported, that the doctor being represented in the convocation, could not be a member of that house; and upon this he was expelled. The bill for tonnage and poundage was sent up to the lords, who returned it to the commons, to be reformed in two provisoes that were not according to former precedents. "How far," says bp. Burnet, "this was contrary to the rights of the commons, who now say the lords cannot alter a money bill, I cannot determine."

*Act for limiting of Treason and Felonies.*] The only public bill which passed in this short session was one for repealing certain Treasons, Felonies, and Premunires. By which it was ordained, that nothing should be judged treason but what was within the statute of treasons made in the 25th of Edw. III. and that nothing should be judged felony that was not so before the 1st of Henry VIII. excepting from any benefit of this act all such as had been in prison before the last of Sept. who were also excepted out of the queen's pardon at her coronation. To make the better way for this bill to pass, there were many members in both houses who shewed themselves exceeding hot against king Henry's laws, especially such of them as extended their penalties to death. Some of these zealous speakers were of the queen's privy council, and others were lawyers, who, by this their forwardness, were made soon after of her learned council. They inveighed against them as cruel and bloody laws. They termed them Draco's laws, which were written in blood. Some said they were more intolerable than any laws that Dionysius, or any other tyrant, ever made. "As many men," says Strype, "so many bitter names and invectives were bestowed on these laws. Insomuch, that one would have thought this reign would have been more tender of men's lives than any before it." But the consequence will shew it much otherwise. The preamble to this act declares, "that the queen calling to her remembrance that many hon. and noble persons, and others of good reputation, had lately, for words only, suffered shameful deaths, not accustomed to nobles. Therefore, of her clemency, and trusting her loving subjects were contented that such dangerous and painful laws should be abrogated; from henceforth no act, deed, or offence that had been by act of parl. made treason, &c. by words, writing, cyphering, deeds, or otherwise, should be taken, had, or deemed to be high treason, petty treason, &c. provided that nothing in this act should in any wise extend to give any manner of benefit, advantage, or commodity to any person or persons who were, on or before the last day of Sept. arrested or imprisoned for treason, or to any person heretofore indicted of treason, petty treason, &c. before the said last day of September. All these were to suffer such pains of death, losses, forfeitures of lands and goods, as the law, in such cases of treason, directed." By which act, says Strype, all those of king Edward's friends, lady Jane's well-wishers, or Protestant professors, who had been taken up and crouded into jails, could receive no benefit by this wonderful act of clemency. Bp. Burnet also observes, that this act of repeal was no more than what had passed in the beginning of the late king's reign, without the clog of such a severe proviso.

Two private bills were also passed in this session; the one, for the restitution, in blood, of the lady Gertrude Courtney, widow to Henry

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Courtney, late marq. of Exeter; who had been attainted in the 32nd of Henry VIII.; and the other for her son, sir Edw. Courtney, earl of Devonshire. After the queen had given her assent to those bills, the parl. was prorogued from the 21st to the 24th of October.

*Act declaring the Queen's legitimacy.*] When the parl. met again, the bill for tonnage and poundage was resumed in the commons, and passed in two days. The next was a bill concerning king Henry's marriage with the queen's mother, declaring the queen's highness, as the title expresses it, to be born in lawful wedlock. This bill was sent down by the lords, on the 26th, and the commons passed it, *nem. con.* on the 28th; so strangely, says Burnet, was the stream turned, that a divorce, which had been for 7 years much desired by the nation, was now repealed on fewer days consultation. The preamble to this act has these remarkable expressions; "That truth, how much soever obscured and born down, will, in the end, break out; and that therefore, they declared, that Henry VIII. being lawfully married to queen Catherine, by consent of both their parents, and the advice of the wisest men in the realm, and of the best and notablest men for learning in Christendom, did continue in that state 20 years, in which God blessed them with her maj. and other issue, and a course of great happiness; but then a very few malicious persons did endeavour to break that happy agreement between them, and studied to possess the king with a scruple in his conscience about it; and to support that did get the seals of some universities against it, a few persons being corrupted with money for that end. They had also, by sinistrous ways and secret threatnings, procured the seals of the universities of this kingdom, and finally Thos. Cranmer did most ungodlily and against law, judge the divorce, upon his own unadvised understanding of the scriptures, upon the testimonies of the universities, and some bare and most untrue conjectures; and that was afterwards confirmed by two acts of parl. in which was contained the illegitimacy of her maj.; but that marriage not being prohibited by the law of God, could not be so broken; since what God had joined together no man could put asunder. All which they considering, together with the many miseries that had fallen on the kingdom since that time, which they did esteem plagues sent from God for it; therefore they declare that sentence given by Cranmer to be unlawful, and of no force from the beginning, and do also repeal the acts of parl. confirming it."

*All Acts in favour of the Reformation repealed.*] The next bill that was sent by the lords to the commons was, for the repealing of king Edward's laws about religion. It was sent down, Oct. 31, and argued for 6 days in that house. In the end it was carried and passed into a law; it declared the great disorders that had arisen in the nation, by the changes that had been made in religion, from that which their forefathers had left them on the authority of the catholic church. Thereupon, all the laws that had been made in king Edward's time, concerning religion, were now repealed. And it was enacted, That from the 20th of Dec. next, there should be no other form of divine service but what had been used in the last year of Hen. VIII. "By which one blow," says Heylin, "was felled down all that had been done in the Reformation for seven years before. And no less than 9 acts of parl. all made for the establishment of the reformed religion, were utterly repealed."

*Act relating to Riots.*] Burnet observes, that the Commons were now so heated with zeal for the catholic cause, that they sent up another bill to the Lords, against those who came neither to church nor sacraments, after the old service should be again set up; punishments, in these cases, being left to the spiritual courts. But this fell in the house of lords; not so much, adds this author, out of any opposition that was made to it, but they were afraid of alarming the nation too much, by too many severe laws at once. Besides these laws, which were made in order to bridle the reformers in church-affairs, there was another introduced for the security of the public peace. This was another revival of a Riot Act, or against unlawful and rebellious assemblies. By which it was enacted, "That if any, to the number of 12 or above, should meet to alter any thing established by law, relating to religion; and being required by any, having the queen's authority, to disperse themselves, and should continue together, after that, one hour, it should be felony. If the same number met to break hedges or parks, to destroy deer, fish, &c. and did not disperse upon proclamation, it should be felony. If any, by ringing of bells, drums, or firing of beacons, gathered the people together, and did the things before-mentioned, it was felony. If the wives or servants of persons so gathered, carried money, meat, or weapons to them, it should be felony. And if any, above the number of two, and within twelve, should meet for these ends, they should suffer a year's imprisonment; empowering the sheriffs or justices to gather the country for the resistance of persons so offending, with penalties on all, between 18 and 60, that being required to come out against them, should refuse to do it. And this act is ordered to be read and published at every quarter-session, and at every leet and law-day."

*The Duke of Norfolk's Attainder reversed.*] The reader will remember that the very last act of state, done by Henry 8, was signing a bill for the Attainder of the duke of Norfolk, who was to have been executed, as his son the earl of Surrey had been, if death itself had not brought him a reprieve by taking king Henry before him. The duke was kept close prisoner in the Tower all the last reign; and, being a zealous catholic, Mary thought a person of his great rank and fortune would add a



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weight to her designs. But the bill for reversing this Attainder met with much opposition in the commons. The patentees, who had purchased some parts of the duke's estate from the crown, desired to be heard by their council against it. And the session of parl. being nearly at a close, the duke came down himself to the commons, Dec. 14, and earnestly desired them to pass his bill; declaring, that the difference between him and the patentees was referred to arbitration; and, if they could not agree, he would refer it to the queen. But, after this, it was long argued, though in the end it was agreed to, and the bill was passed. The Journal of the lords, though deficient in the acts of the 1st and 2d sessions of this parl. has nevertheless inserted in the preamble to this act of reversion, which we shall give in its own words; "And may it please your highness that it be declared by the authority of this present parl. that the law of this realme is, and always has been, that the assent and consent of the king of this realme to any act of parl. ought to be given in his own royal presence, being personally present in the higher house of parl. or by his letters patents under his great seal, assigned with his hand, declared and ratified in his absence to the lords spiritual and temporal, and the commons assembled together in the higher house, according to the statute made in the 34th year of the reign of the said late king Henry VIII. in that case made and provided." Another exception made to the act of Attainder, and mentioned in the Journal, was "because the king's stamp, expressing his name, was only put to it, not signed with his own hand, and that was set at the bottom of the said act, and not above. By which it does not appear that the king ever gave his assent to it; and since there was nothing charged against the said duke but some pretended reasons for using coats of arms, which he and his ancestors had, and might lawfully use. And that the lord Paget, late secretary of state to king Henry, came into the commons, also, and deposed upon his honour, that the said letters patents for the passing this act, were not signed with the king's hand, but only the stamp put to them by one Wm. Clerk. The king also dying the night after, the whole shewed that it was disorderly done; and therefore that pretended act is declared void and null by the common laws of the land."

The last act which comes under our notice, was a confirmation of the Attainders which had been made, in a trial at bar, against abp. Cranmer, the lord Guilford Dudley, and the lady Jane his wife, &c. They had all confessed their indictments, and by this act they were attainted of high treason; for levying war against the queen, and conspiring to set up another in her room. The lord and lady were beheaded, but Cranmer, being divested from his bishopric, by this act, was kept in prison till he suffered a more dreadful execution afterwards.

*The Commons address the Queen against marrying Philip of Spain.*] About this time it was that the queen had been solicited to marry; and three persons were secretly proposed to her for a match; these were Courtney earl of Devon, cardinal Pole, and Philip, eldest son to the emperor Charles V. It was thought that her inclinations stood most for the young earl of Devonshire. He was a fine person, and of royal extraction; his grandmother being daughter to Edw. IV. It is said, that this nobleman had received some intelligible invitation to this match from the queen herself; but he declined it, and desired leave to address the lady Elizabeth, which much displeased her elder sister. It was objected against cardinal Pole, that he was advanced in years; and so much given to his study and devotion, as to be noways fit for her husband or the regal dignity. Philip of Spain was deemed preferable in all respects; he was heir to the greatest monarch in Europe, bred to the business of a crown; of an enterprising genius; and, since the national affairs required a person of his power, it was urged, that by such an alliance, the trade of the kingdom would be extended, and the public interest considerably advanced. But notwithstanding the complacency this parl. shewed to the queen and her ministry, the rumour being spread that she was going to marry Philip, the commons were much alarmed; and came to a resolution to address the queen against it. Accordingly, they sent their Speaker, with 20 of that house, with an earnest and humble address to her, not to marry a stranger. What answer they received is not known; but it may well be imagined no good one, for when the court perceived their inclinations in this matter, and that more was not to be expected from them, on the 6th day of Dec. the queen came to the house of peers, and dissolved this parl. after having given the royal assent to 31 acts, according to the commons Journal; though the Statute books mention only 18. Thus does this right rev. author carry on his invectives, without mentioning any authority for it but his own; which gives an impartial reader some room to doubt of his sincerity. We have taken notice, that the last parl. was as obsequious to the court as possible, except in the affair of the marriage, and yet he does not charge the ministry with bribery in carrying the elections for it.

*A Parl. called.*] A new parl. was called by writs dated at Westminster, Feb. 20, 1554, to meet at Oxford on the 2d of April following. Grafton informs us, that this call to Oxford was occasioned by a distaste that the queen had taken against the Londoners, as being favourers of Wyat's rebellion, which was just then quashed: but though great preparations were made for the meeting at Oxford, it was held at Westminster, at the time appointed, by adjournment. The journal of the lords gives us no speech from the ld. chanc. nor the name of the Speaker of the commons. But the jour-

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pals of the commons acquaint us, that the knights, citizens, and burgesses, chose Robert Brook, esq. serjeant at law and recorder of London, for their Speaker; who made an eloquent speech to the queen on that occasion. And that the purport of the ld. chanc.'s oration, to both houses, was to declare, that this parl. was called for the coroboration of true religion, and concerning the queen's highness most noble marriage. On the 5th of April the ld. chanc. declared to the house, that by reason of the high winds and inclemency of the weather, the queen could not, without some danger to her person, come down to Westminster; therefore, in her maj.'s name, he adjourned the parl. to Whitehall, to meet the next morning at 9 o'clock.

*Act relating to the Queen's Marriage with Philip.*] April 7th a bill was brought into the Lords to confirm certain articles and agreements touching the marriage between the queen and the prince of Spain. It was read once on that day, and committed to the earl of Shrewsbury, the bps. of Durham and Worcester, the lords Rich, Paget, and Williams. On the 9th, the bill was read again; the next day it passed that house, and was sent down to the commons, who returned it concluded on the 12th. The following is an abstract of the act by which this famous marriage was concluded. 1st, "That Philip should not advance any person to any public office or dignity in England, but such as were natives of the realm, and the queen's subjects; that he should admit a set number of English into his household, whom he should use respectfully, and not suffer them to be injured by foreigners. That he should not transport the queen out of England, but at her intreaty, nor any of the issue begotten on her, who should have their education in this realm, and should not be suffered but upon necessity and good reasons to go out of the same, nor then neither but with the consent of the English. That the queen deceasing without children, Philip should not make any claim to the kingdom, but should leave it freely to him to whom of right it should belong. That he should not change any thing in the laws, either public or private, nor the immunities and customs of the realm, but should be bound by oath to confirm and keep them. That he should not transport any jewels nor any part of the wardrobe, nor alienate any of the revenues of the crown. That he should preserve our shipping, ordnance, and munition, and keep the castles, forts, and block-houses, in good repair, and well manned. Lastly, that this match should not any way derogate from the league lately concluded, between the queen and the king of France; but that the peace between the English and the French should remain firm and inviolate."

*Act relating to the Prerogative.*] Bp. Burnet says, "that an act passed in this session of parl. which seemed of an odd nature, and has a great secret under it. The Speaker of the commons brought in a bill, declaring, 'that whereas the queen had of right succeeded to the crown, but, because all the laws of England had been made by kings, and declared the prerogative to be in the king's person; from thence some might pretend that the queen had no right to them; it was therefore declared to have been the law, that these prerogatives did belong to the crown, whether in the hands of male or female; and whatsoever the law did limit and appoint for the king, was of right also due to the queen, who is declared to have as much authority as any of her progenitors." Many of the commons wondered what was the intention of such a law; and authority, as people were at this time full of jealousy, one Skinner, a member of that house, said, "He could not imagine why such a frivolous law was desired, since the thing was without dispute: and that which was pretended of satisfying the people was too slight: he was afraid there was a trick in these words, 'That the queen had as great an authority as any of her progenitors;' on which, perhaps, it might be afterwards said, she had the same power as Wm. the Conqueror exercised, in seizing the lands of the English and giving them to strangers; which also Edw. I. did on his conquest of Wales. He did not know what relation this might have to the intended marriage; wherefore he warned the house to look to it." On this a committee was appointed to correct the bill; and such words were added as brought the Queen's Prerogative under the same limitation, as well as exalted it to the height of her progenitors.

*The Bishoprick of Durham re-established.*] An act for restoring the bishoprick of Durham to its pristine state, by repealing two acts made in the last reign for its dissolution, was also passed. In the commons this bill met with great opposition from the town of Newcastle; because they had purchased, under the Dissolution-Act, the town of Gateside, and the salt-meadows, &c. which occasioned Tunstal, bp. of Durham, to come down to that house; where, in a long speech, he gave them an account of the troubles he had been under from the late duke of Northumberland; and desired that they would dispatch the bill. Yet still it was debated; and the house dividing, it was carried in the affirmative, by 201 against 120. The preamble to this bill sets forth:—"That certain ambitious persons, taking advantage of the late king's minority, made an interest by sinister practice to procure the dissolution of the bishoprick; that it was done out of mercenary views, to enrich themselves and their friends, by seizing the lands of that see, rather than upon just occasion or godly zeal. That Tunstal, bp. of Durham, was deprived upon untrue surmises and false accusations, and that the process against him was foul and illegal. That upon a full examination of the matter, by the queen's commissioners, the sentence of deprivation was declared void, as may be seen at large by an authentic

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instrument. That the queen had new founded the bishoprick by her letters patent, and restored all the lands in her possession. But, that neither the reversal of the sentence of deprivation, nor the queen's letters patent, were of sufficient force to recover the honours, lands, &c. to the see of Durham. Therefore, to restore the bishoprick to its former interest, privileges, and revenues, the two dissolution statutes of the last reign were hereby repealed."

*Privilege of Parl.*] April 17, Mr. Read and Mr. Ermstead brought down to the Commons, from the Lords, a subpœna, that Mr. Beaumont and his wife caused to be served upon the earl of Huntingdon, in this parl. time, and praying the order of this house for that offence:—It is ordered, "that 8 of this house shall declare to the lords, that they take this writ to be no breach of privilege."—April 23d, Wm. Johnson, one of the burgesses, complained upon Monyngton, who had beaten him, and put him in fear of his life; whereupon Monyngton came to this house, and not knowing Johnson to be a burgess, confessed that he had stricken him; for that he took away a net out of Mr. Bray's house in Bedford-shire, and Johnson said it was lord Mordaunt's net, and as under-sheriff he took it; whereupon it was ordered, that Monyngton was sent prisoner to the Tower. On the next day it is ordered, That the serjeant shall fetch Monyngton from the Tower to this house; whereupon Johnson required, that he might go safe in body, and that was committed to Mr. Higham and Mr. Pollard, and thereupon Monyngton discharged.

May 4th, a bill was sent up to the Lords, by the other house, confirming the Attainder of the late duke of Suffolk, sir Tho. Wyat, and others: it was read thrice that day, and committed to the attorney-gen. to carry down to the commons, with this request, that these words, "and forasmuch as divers of the same traitors," with 17 lines to the end of the bill, might be wholly put out. The Journals of the Commons inform us, that it was not till the last day of the session this objection of the lords was debated in that house; when, upon the question, the clause for forfeiting entailed lands, contained in the bill, was agreed by a majority to be kept in. In all probability, this was the reason why the bill did not pass into a law at that time; for it is not mentioned in the catalogue of acts in the Lords' Journal; and this, or another act of like nature, was not carried through till the next parliament.

May 5th, the bills, to the number of 15, being all ready for the royal assent, the queen came to the house and passed them; and then commanded the lord chanc. to dissolve this parliament.

## PHILIP AND MARY.

The Marriage being now agreed to, by both houses of parl. prince Philip landed at Southampton, on the 20th of July, and was espoused to the queen, at Winchester, on the 25th of the same month, in the year 1554. After which they were both proclaimed by these titles: "Philip and Mary, by the grace of God, king and queen of England, France, Naples, Jerusalem, and Ireland, defenders of the faith; princes of Spain and Sicily; archdukes of Austria; dukes of Milan, Burgundy, and Brabant; counts of Haspurg, Flanders, and Tyrol."

*A Parl. called.*] The marriage being solemnized, and other matters of state settled, their majesties thought proper to call a new parl. the next winter, by writs bearing date Sept. 25th, to meet at Westminster on the 11th of Nov. following. It is to be observed, that in these writs, as well as in the foregoing royal style, the title of 'Supreme Head of the Church' was omitted, though it was still by law united to the other royal titles. And this, bp. Burnet observes, was urged as a good reason for annulling the statutes of this parl. in the beginning of the next reign, because it was not called by a lawful writ.

*The Queen's Letter to the Sheriffs for electing Catholic Members.*] Strype tells us, "that the queen wanting fit parliament-men for her purpose, sent out her private letters to all the sheriffs, to deal with the people for electing such members as would do her work. And that the commons might be the better drawn to it, they were to assure the people, that it was not the queen's intention to take away any man's possessions, many of which came to them by the dissolution of monasteries, or from the church; and to labour to free the people from other rumours spread abroad." The following is a copy of the queen's letter on this occasion:—"*By the Queen*: trusty and well beloved we grete you well. And where, among other matters for the prosperity and commodity of our realme, we intend principally the restitution of God's honour and glory, whom we acknowledge our chief author and helper, as well in bringing us to the right of our estate, as also in this most noble marriage, which we have now atchieved and perfected, much to our satisfaction and contentation; and, as we trust, of the rest of the good catholic people within our realmes: these shall be to will and command you, that for withstanding such malice as the devil worketh by his ministers, for the maintenance of heresies and seditions, ye now, on our behalf, admonish such our good loving subjects, as by order of our writs should, within that county, choose knights, citizens, and burgesses to repair from thence to this our parl. to be of their inhabitants as the laws require, and of the wise, grave, and Catholic sort; such as indeed mean the true honour of God with the prosperity of the commonwealth, the advancement whereof we and our dear husband the king do chiefly profess and intend, without alteration of any man's particular possessions, as, among other false rumours, is spread abroad, to hinder our godly purpose; but such

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would have their heresies return, and the realm, by the just wrath of God, be brought to confusion; from which we have seen the same marvailously delivered; and mind, by God's help, and the advice of our counsellors and estates of this our parl. to hold and continue. Requiring you, with the rest of the justices of that county, to whom you shall also shew and declare these our letters, that spreaders of rumours and tales may be, by their diligence, speedily apprehended, and, according to the law of our realm, sharply punished; according to the trust we have in them, and as they will answer for the due punishment of their slackness and remiss dealing in this behalf. Yeven, &c."

What influence this circular letter had on the kingdom will appear best by the sequel. We are told that this parl. began with a very unusual solemnity, the king and queen rode down to the house on horseback, in their robes of state; two swords of state and two caps of maintenance being carried before them. The swords were borne by the earls of Pembroke and Westmoreland, and the caps by the earls of Arundele and Shrewsbury. The initial ceremonies at the opening of the parl. are omitted in the Journals of the Lords; but that of the Commons informs us, that the bp. of Winchester, lord chanc. opened this session with a speech, declaring this parl. to be called for the confirmation of true religion, and other weighty matters. After which, the commons chose Clement Higham, esq. one of the privy council, to be their Speaker; who, in an excellent oration, comparing the body politic to the body natural, introduced the three usual petitions, for freedom of speech, &c. and was accepted.

*Cardinal Pole's Attainder reversed.*] The first bill that appeared in the Lords was to repeal the act of Attainder against cardinal Pole. It was introduced on the 17th of Nov. passed both houses on the 21st, and had the royal assent on the 22nd, the king and queen being both present on this occasion. The reason of this dispatch was, because the cardinal was then arrived in England, as legate from the pope, and he could not appear in parl. till by this act he was restored to his paternal estate and dignity, from which he had been deprived by an act of Attainder, passed in the 31st year of Henry VIII. The reason set forth in the act for reversing this Attainder was, "that it was laid upon the cardinal, because he would not consent to the unlawful separation and divorce between king Henry and his most godly, lawful, and virtuous wife, queen Catherine; therefore they, considering the true and sincere conscience of the cardinal in that point, and his other many godly virtues and qualities, did repeal that act."

*Cardinal Pole introduced into Parl.*] Matters being thus premised, the Cardinal was not only restored to his state and dignity as an English nobleman of the blood royal, but at liberty to open his commission from Rome as a legate from that see. Accordingly, on the 27th of Nov. a message was sent to both houses of parl. to come up to Whitehall, to hear him deliver his legation. The reason that the king and queen did not come to the parliament house in Westminster was, because the queen was sick at that time, says Grafton, so the great chamber in the palace at Whitehall was prepared for that purpose. Here, the king and queen being seated under a canopy, the cardinal on their right hand, the bps. lords and commons attending, bp. of Winchester, lord chancellor, spoke as follows:

"My lordes of the upper house, and you my maysters of the nether house here present: The right rev. father in God, my lord cardinal Pole, legate a latere, is come from the apostolique see of Rome, as ambassadour to the king and queenes majesties, upon one of the weightiest causes that ever happened in this realme, and which perteyneth to the glory of God and youre universal benefite. The which ambassade their majesties pleasure is to be signified unto you all by his own mouth, trustyng that you receyve and accept it, in as benevolent and thankfull wise as their highnesses have done; and that you will give attentive and inclinable eares unto his grace who is now readie to declare the same."

As soon as the ld. chanc. had ended, the Cardinal stood up and made a long oration, which Mr. Fox in his Acts and Monuments has given at large, and of which the following is a copy:—

"My lords all, and you that are the commons of this present parl. assembled, which in effect is nothing else but the state and body of the whole realm. As the cause of my repair hither hath been most wisely and gravely declared by my lord chancellor; so, before that I enter to the particularities of my commission, I have somewhat touching myself, and to give most humble and hearty thanks to the king and queen's majesties, and after them to you all; which, of a man exiled and banished from this commonwealth, have restored me to be a member of the same; and of a man having no place neither here, or elsewhere within this realm, have admitted me in a place, where to speak and to be heard. This I protest unto you all, that though I was exiled my native country without just cause, as God knoweth, yet that ingratitude could not pull from me the affection and desire that I had to profit and do you good. If the offer of my service might have been received it was never to seek, and where that could not be taken, you never failed of my prayer, nor ever shall. But leaving the rehearsal thereof, and coming more near to the matter of my commission, I signifie unto you all, that my principal travel is for the restitution of this noble realm to its ancient nobility, and to declare unto you, that the see apostolic, from whence I come, hath a special respect to this realm above all others; and not without cause, seeing that God himself, as it were by Providence, hath given this realm

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prerogative of nobility above others; which to make more plain unto you, it is to be considered that this island, first of all islands, received the light of Christ's religion. For as stories testifie, it was "prima provinciarum quæ amplexa est fidem Christi." The Britons being first inhabitants of this realm, (notwithstanding the subjection of the emperors and heathen princes) did receive Christ's faith from the apostolic see universally, and not in parts as other countries, nor by one and one, as clocks increase their hours by distinction of times, but altogether at once, as it were in a moment. But after that their ill merits or forgetfulness of God had deserved expulsion, and that strangers being infidels had possessed this land, yet God of his goodness, not leaving where he once loved, so illuminated the hearts of the Saxons, being heathen men, that they forsook the darkness of heathen errors, and embraced the light of Christ's religion; so that within a small space, idolatry and heathen superstition was utterly abandoned in this island.—This was a great prerogative of nobility, the benefit whereof though it be to be ascribed to God, yet the mean occasion of the same came from the church of Rome. In the faith of which church we have ever since continued and consented, with the rest of the world, in unity of religion. And to shew further the fervent devotion of the inhabitants of this island towards the church of Rome, we read that divers princes in the Saxons time, with great travel and expences, went personally to Rome, as Offa and Adulphus, which thought it not enough to shew themselves obedient to the said see, unless that in their own persons they had gone to that same place from whence they had received so great a grace and benefit.—In the time of Carolus Magnus, who first founded the university of Paris, he sent into England for Alcuinus, a great learned man, which first brought learning to that university; whereby it seemeth that the greatest part of the world fetched the light of religion from England.—Adrian IV. being an Englishman, converted Norway from infidelity, which Adrian afterwards, upon great affection and love that he bare to this realm, being his native country, gave to Henry the second, king of England, the right and seigniory of the dominion of Ireland, which pertained to the see of Rome.—I will not rehearse the manifold benefit that this realm has received from the apostolic see, nor how ready the same hath been to relieve us in all our necessities. Nor will I rehearse the manifold miseries and calamities, that this realm hath suffered by swerving from that unity. And even as in this realm, so also in all other countries, which refusing the unity of the catholic faith, have followed fantastical doctrine, the like plagues have happened. Let Asia and the empire of Greece be a spectacle unto the world, who, by swerving from the unity of the church of Rome, are brought into captivity and subjection of the Turk. All stories be full of like examples. And to come unto the later time, look upon our neighbours in Germany, who, by swerving from this unity, are miserably afflicted with diversity of sects, and divided into factions.—What shall I rehearse unto you the tumults and effusion of blood that hath happened there of late days? Or trouble you with the rehearsal of those plagues that have happened since this innovation of religion, whereof you have felt the bitterness, and I have heard the report? Of all which matters I can say no more, but such was the misery of the time. And see how far forth this fury went. For those that live under the Turk may freely live after their consciences, and so was it not lawful here.—If men examine well upon what grounds these innovations began, they shall well find that the root of this, as of many other mischiefs, was avarice; and the lust and carnal affection of one man confounded all laws both divine and human. And notwithstanding all these devices and polices, practised within this realm against the church of Rome, they needed not to have lost you, but that they thought rather as friends to reconcile you, than as enemies to infest you. For there wanted not great offers of the most mighty potentates in all Europe to have aided the church in that quarrel. Then mark the sequel: there seemed by these changes to rise a great face of riches and gain, which in proof came to great misery and lack. See how God then can confound the wisdom of the wise, and turn unjust policy to meer folly; and that thing which seemed to be done for relief, was cause of plain ruin and decay. Yet see that goodness of God, which at no time failed us, but most benignly offered his grace, when it was of our parts least sought and worse deserved.—And when all light of true religion seemed utterly extinct, the churches defaced, the altars overthrown, the ministers corrupted; even like as in a lamp the light being covered, yet it is not quenched, even so in a few remained the confession of Christ's faith, namely in the breast of the queen's excellency, of whom, to speak without adulation, the saying of the prophet may be verified, 'Ecce quasi derelicta!'—And see how miraculously God of his goodness preserved her highness, contrary to the expectation of man, that when numbers conspired against her, and policies were devised to disinherit her, and armed power prepared to destroy her, yet she being a virgin helpless, naked and unarmed, prevailed and had the victory of tyrants, which is not to be ascribed to any policy of man, but to the almighty goodness and providence of God, to whom the honour is to be given. And therefore it may be said, 'Da gloriam Deo.' For, in man's judgment, on her grace's part, was nothing in appearance but despair.—And yet for all these practices and devises of ill men, here you see her grace established in her estate, being your lawful queen and governess, born among you, whom God hath appointed to reign over you for the restitution of true re-

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ligion, and extirpation of all errors and sects. And to confirm her grace the more strongly in this enterprize, lo how the providence of God hath joined her in marriage with a prince of like religion, who being a king of great might, armor, and force, yet useth towards you neither armor nor force, but seeketh you by the way of love and amity; in which respect great cause you have to give thanks to Almighty God, that hath sent you such a catholic governess. It shall be therefore your part again to love, obey, and serve them.—And as it was a singular favour of God to conjoin them in marriage, so it is not to be doubted but that he shall send them issue, for the comfort and surety of this commonwealth.—Of all princes in Europe the emperor hath travelled most in the cause of religion, as it appeareth by his acts in Germany; yet happily by some secret judgment of God he hath not atchieved the end. With whom in my journey hitherwards I had conference touching my legation; whereof when we had understanding, he shewed a great appearance of most earnest joy and gladness, saying, that it rejoiced him no less of the reconcilement of this realm unto christian unity, than that his son was placed by marriage in the kingdom; and most glad he was of all, that the occasion thereof should come by me being an Englishman born; which is (as it were) to call home ourselves. I can well compare him to David, who though he were a man elect of God, yet, for that he was contaminate with blood and war, he could not build the temple of Jerusalem, but left the finishing thereof to Solomon, which was 'rex pacificus.' So may it be thought, that the appeasing of controversies of religion in Christianity is not appointed to this emperor, but rather to his son, who shall perform the building that his father had begun. Which church cannot be perfectly builded, unless universally in all realms we adhere to one head, and do acknowledge him to be the vicar of God, and to have power from above. For all power is of God, according to the saying, 'non est potestas, nisi à Deo.' And therefore I consider that all power being in God, yet, for the conservation of quiet and godly life in the world, he hath derived that power from above into the parts here on earth, which is into the power imperial and ecclesiastical. And these two powers, as they be several and distinct, so have they two several effects and operations. For secular princes, to whom the temporal sword is committed, be ministers of God to execute vengeance upon transgressors and evil-livers, and to preserve the well-doers and innocents from injury and violence. Which power is represented in these two most excellent persons, the king and queen's majesty here present, who have this power committed to them immediately from God, without any superior in that behalf. The other power is of ministration, which is the power of the keys, and order in the ecclesiastical state, which is, by the authority of God's word, and examples of the apostles, and of all old holy fathers from Christ hitherto, attributed and given to the apostolic see of Rome, by special prerogative. From which see I am here deputed legate and ambassador, having full and ample commission from thence, and have the keys committed to my hands; I confess to you I have the keys, not as mine own keys, but as the keys of him that sent me, and yet cannot open; not for want of power in me to give, but for certain impediments in you to receive, which must be taken away before my commission can take effect. This I protest before you, my commission is not of prejudice to any person. I come not to destroy, but to build; I come to reconcile, not to condemn; I am not come to compel, but to call again; I am not come to call any thing in question already done, but my commission is of grace and clemency, to such as will receive it. For touching all matters that be past, they shall be as things cast into the sea of forgetfulness. But the mean, whereby you shall receive this benefit, is to revoke and repeal those laws and statutes, which be impediments, blocks, and bars to the execution of my commission. For like as I myself had neither place nor voice to speak here among you, but was in all respects a banished man, till such time as ye had repealed those laws that lay in my way; even so cannot you receive the benefit and grace offered from the apostolic see, until the abrogation of such laws, whereby you have disjoined and dissevered yourselves from the unity of Christ's church. It remaineth therefore that you, like true Christians and provident men for the weal of your souls and bodies, ponder what is to be done in this so weighty a cause; and so to frame your acts and proceedings, as they may first tend to the glory of God, and next to the conservation of your commonwealth, surety, and quietness."

*Petition of the Parl. declaring their sorrow for all past proceedings against the Pope.*] The next day the whole court of parl. drew up the form of a Supplication or Petition; and the day after, the king and queen, with the peers and commoners, being again assembled, the bp. of Winchester there declared what the parl. had determined concerning the cardinal's request, and presented their majesties the said Petition, of which the following is a copy. "We, the lords spiritual and temporal, and the commons, in this present parl. assembled, representing the whole bodie of the realme of England and dominions of the same, in the name of ourselves particularly, and also of the sayd bodie universally, offer this our most humble supplication to your majesties, to this ende and effect, that the same by your grace's intercession and meane, may be exhibited to the most rev. father in God, the lord cardinal Pole, legate, sent specially hether from our most holy father pope Julius III. and the see apostolique of Rome, wherein we do declare ourselves very sorry and repentant of the long schisme and disobedience committed in this

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realme, and the dominions of the same, against the said see apostolique; eyther by making, agreeing, or executing of any lawes, ordinaunces, and commaundements, agaynst the primacy of the same see; or otherwise doyng or speaking that might impugne or prejudice the same: offering ourselves, and promising by this our supplication, that for a token and knowlege of this our sayd repentance, we be, and shall be ever readie, under and with the authorities of your majesties, to the utternost of our power, to do that shall lye in us, for the abrogation and repealyng of all the sayd lawes and ordinaunces, made or enacted to the prejudice of the see apostolique, as well for ourselves as for the whole bodie whom we represent. Whereupon, most humbly we beseech your majesties, as personages undefiled in the offence of this bodie towards the sayd sea, which nevertheless God by his providence hath made subject to you, so to set foorth this our humble suyte, as we the rather, by your intercession, maye obteine from the sea apostolique, by the sayde most rev. father, as well perticulerly as generaly, absolution, release, and discharge from all daungers of such censures and sentences as, by the lawes of the church, we be fallen into. And that we may, as children repentaunt, be receyved into the bosome and unitie of Christes church, so as this noble realme, with all the members thereof, may, in this unitie and perfect obedience to the see apostolique and popes for the tyme being, serve God and your majesties to the furtheraunce and advauncement of his honour and glorie. Amen."

This humble petition being first openly read, the same was delivered by the chancellor to the king and queen, with a request to them, that they would give it to the lord cardinal. Their majesties, rising off their seats and doing reverence to the cardinal, did deliver the said petition to him; who, perceiving the effect thereof to answer his expectation, received it most gladly at their hands. And then, after that he had, in few words, given thanks to God, and declared what great cause he had, above all others, to rejoice, that his coming from Rome into England had taken such a happy turn; he caused his commission to be read, by which it might appear, that he had authority from the pope to absolve them. The commission was very long; which being ended, and all the parl. both lords and commons, on their knees, the cardinal, by the pope's authority, gave them Absolution, as follows: "Our Lord Jesus Christ, which, with his most precious bloud hath redeemed and washed us from all our sins and iniquities, that he might purchase to himself a glorious spouse, without spot or wrinkle, and whome the father hath appointed head over all his church; he by his mercy absolve you; and we by the apostolique authority given unto us by the most holy lord pope Julius III. his vicegerent in earth, do absolve and deliver you, and every of you, with the whole realme and the dominions thereof, from all heresie and schisme, and from all and every judgments, censures, and paynes, for that cause incurred. And also we doe restore you agayne to the unitie of the holy church, as in our letters of commission more plainely shall appeare, in the name of the Father, the Sonne, and the Holie Ghoste. Amen."

After this general Absolution was so given and received, the king, queen, and all the lords, with the rest, went into the king's chapel, and there sung 'te Deum' with great joy and gladness for this new reconciliation.

The next thing the parl. went upon was, to testify their grateful sense of the cardinal's Absolution. Accordingly, on the 6th of Dec. a committee of 6 peers and 3 bishops were appointed to confer with certain of the lower house, for the drawing up a bill touching the repeal of certain statutes.

*Acts against the Pope repealed.*] This conference was carried on till the 20th, and on that day a bill was read the first time in the lords, with this title, "a bill for the repeal of certain Acts made against the supremacy of the see of Rome." It was read a 2nd time on Christmas-day; a day we have never found a parl. sitting on before; but it may be supposed that they thought they could offer no higher oblation to Christ on that festival, than to repeal those laws which had shut his vicar out of this kingdom. No other business was done on that day. On the 26th of Dec. the bill was read a 3rd time, and passed, with the consent of the whole house, the bp. of London only dissenting; the reason of which will appear in the sequel. The title to the bill on its passing this house was, "a bill for repealing all statutes, articles, and provisoes made against the see apostolique of Rome, since the 20th of Henry VIII. and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laicty."

*Former Acts against Heresy, revived.*] To shew how eager the commons were to remunerate the pope and the queen, for these extraordinary favours, a bill was carried through that body, for reviving the statutes made by Rich. II. Hen. IV. and Hen. the Vth, against heretics. It was brought into the lords, on the 15th of Dec. and passed there on the 18th. The commons, also passed and sent up another bill to the lords, for annulling all leases made by married priests. Burnet tells us, that this bill was much argued in the lower house, that the first draught was rejected, but a new one approved on, and sent up to the lords, on the 19th of Dec. But they, finding it would shake a great part of the right of church-leases that were made by married priests and bps. laid it aside.

In the printed book of Statutes, only 17 acts are given for this session; in the journals are the titles of 21. The reason is, that the private acts are not taken notice of in the Statute Books. The titles of the public acts will be found in the list given at the end of this

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reign. The prime minister, Gardiner, having now carried all his schemes through both houses, for the restoration of the church, and security of the govt. thought proper to put an end to this parl. Accordingly, on the 16th of Jan. the queen came to the house, and having sceptered the acts, the ld. chanc. by her majesty's command, dissolved it.

*Several Members of the Commons leave the House.*] A circumstance of a very extrordinary nature happened in this parl.; and the like of which we have not before met with in the course of this history. This was a voluntary secession of some members of the Commons, who actually left the house, when they saw the majority inclined to sacrifice every thing to the ministry. Lord Coke, in order to do honour to their memories, has in his Institutes handed down their names, as follows, to posterity.

| | |
|---|---|
| T. Denton, Com. Oxon. | Nich. Adamps, de Dartmouth-Clifton-Harneys, Com. Devon |
| Henry Cary | Richard Phelips |
| Richard Ward | Anthony Dylvington |
| Edm. Plowden. de Tibmersh, Com. Berks | Andrew Hoord |
| Henry Chiverton | Chr. Hoel, Com. Dorset |
| Robert Brown | John Mannoch |
| John Courke | Thomas Phelips |
| John Pethebrige | William Randel |
| John Melhews | John Moyne |
| —— Courtney | Hugh Smith |
| Ralph Mitchel | Roger Gerard |
| Thomas Matthews | Ralph Scroope |
| Richard Brasey | Tho. Moor, de Humbleton, Com. Bucks |
| Thomas Massey | William Read |
| Peter Fretchwell | Henry Mannoch |
| Henry Vernon, de Sydbery, Com. Derby | J. Maynard. de st Alban |
| Wm. Moor of Derby | Nicholas Debden |
| William Bainbrigge | Philip Tirwhit |
| John Eveleigh | |

We are told, by the same high authority, that the court resented this separation of the members; and ordered Edw. Griffith, esq. the queen's attorney-general, to indict them in the king's bench. On an information being preferred against them, there, for departing without licence, contrary to the king and queen's inhibition, in the beginning of the parl.; 6 of these members were so timorous as to submit to the mercy of the court, and paid their fines. All the rest, among whom was that famous lawyer Plowden, traversed; but judgment against them was prevented by the queen's death.

About this time it was, that the queen entertained suspicions of her being pregnant, and, as it was made public, great rejoicings took place amongst the Catholics here, as well as over Europe, for a blessing which was likely to continue and establish that faith in this kingdom. Upon this occasion the parl. immediately passed a bill for the maintenance, support, and govt. of her offspring.

*A Parl. called.*] Another parl. was called to meet at Westminster, on the 21st of Oct. 1555. The queen rode to the parl. house in an open horse-litter, to be seen of every one. The journals of the commons tell us, that the bp. of Winchester opened this parl. by a speech, importing, that it was called for a necessary aid to be made to her maj.; and that this house unanimously chose for their Speaker, John Pollard, esq. deeply learned in the laws of this land. It is to be observed, that by the authority of both the journals, the ld. chanc. Gardiner, bp. of Winchester, appeared on the 1st and 2nd day of this session, but never after; for it seems he fell sick on the 24th of this month, and died on the 12th of Nov. following.

On the death of the ld. chanc. it is supposed that the ld. treasurer, the marq. of Winchester, 'virtute officii,' adjourned the parl. from day to day; since there is no mention of any commission granted for executing the chancellor's office. And though by the negligence of the clerks, the adjournments are not entered, yet, on the last day of the session, we find that the ld. treasurer, by the queen's command, did dissolve this parl. The journals of the commons inform us, that Oct. 23, when the commons appeared with their Speaker, to present him to the queen, he made an eloquent oration. After which was read a bull from the Pope, confirming what cardinal Pole had promised relating to the assurance of abby-lands, &c. And when the commons were retired to their own house, a bill was revived concerning the absence of knights and burgesses in the time of parl.

Oct. 24, a motion was made for a Supply to be granted to her maj.; and Mr. Comptroller, Mr. sec. Petre, with 18 more members, were ordered to draw up a bill for that purpose. On the 28th. the bill was read a 1st time, for a Subsidy and two 15ths, but on the 3d reading, Oct. 30, it met with some opposition; and the next day, Mr. sec. Petre declared to the house, That the queen gave them thanks for the two fifteenths, but was contented to refuse them; on which the bill for a Subsidy, only, was passed and sent up to the lords. On the 5th of Nov. this bill passed the lords on the 1st reading, which is the only instance of that kind we have yet met with.

*Restitution of Church Lands.*] Nov. 20, a bill for suppressing of First Fruits and tenths, and the resigning up all Impropriations that were yet in the queen's gift, to the church; to be disposed of, as the legate thought fit, for the relief of the clergy, was brought unto the lords, and passed on the 23rd. It was sent that day down to the commons, who returned it on the 4th of Dec. with a schedule annexed to it, requiring certain things to be amended in the bill; which, upon debate, were by the lords assented to.—But the queen had a much greater design which she hoped to have executed this parl. which was getting an act for restoring all such lands to the church as had belonged to it, and was devolved upon the crown; and from the crown into the hands of private persons, by the fall



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of monasteries and other religious houses, or by any other means whatsoever. She had been tampering with some lords about this act, but found such a general aversion to any kind of restitution in the lay-nobility, that she was advised to desist from that unprofitable undertaking. "Certain it is," says Dr. Heylin, "that many who were cordially affected to the queen's religion, were very much startled at the noise of this Restitution; insomuch that some of them are said to have clapped their hands upon their swords, affirming, not without some oaths, that they would never part with their Abby-Lands as long as they were able to wear a sword by their sides." Which resolution being told the queen, she thought proper to drop that affair, and only set them a good example, by giving up to the church what was really her own to give, the first-fruits and tenths aforesaid; which, as they had been settled on the crown by an act of parl. must be released by another.

But, notwithstanding this bill passed the lords so easily, it was greatly opposed in the commons; for on the 19th of Nov. the queen sent for that house, and told them, "She could not, with a good conscience, take the Tenths and First Fruits of spiritual benefices; it was a tax her father laid on the clergy, to support the dignity of Supreme Head; of which, since she was divested, she would also discharge the other." Then the legate made a speech, to shew that tithes and impropriations of spiritual benefices were the patrimony of the church, and ought to return to it; and upon this the queen declared, that she would also surrender up those matters to the church. Whilst the commons were before her maj. one Story, a member of that house, falling on his knees, told the queen, that the Speaker did not open to her their desire that Licences might be restrained. This was a great affront to the Speaker, who, when they were returned, complained of it to the house; but Story confessing his fault, the house, "knowing that he spoke of a good zeal," forgave him. This is the person mentioned in p. 526, as being sent to the Tower, for using great liberty of speech against Edw. VI. and the protector, in his opposition to the act for the first book of the English common-prayer. He was now on the other side of the question, in opposing Licences from Rome; and Burnet himself says, that this man of "good zeal," was afterwards condemned for treason, in the reign of Elizabeth, as will appear in the sequel. Burnet tells us, that it was once thought proper that the surrender of Impropriations should be left out of this bill; since, as was urged, the queen might do that as well by letters patents; and if it was put in the bill it would raise great jealousies; for it would be understood that the queen did expect that her subjects should follow her example. The tithes, however, were resolved to be recovered to the church, so they were put in; though all, says our authority, were long argued in the house; some saying that the clergy would rob the crown and the nation both; and that the laity must then support the dignity of the realm. At last, it being particularly committed to sir Wm. Cecil and others, to be, by them, examined on the 3d of Dec. the house divided upon it, and the bills were carried, on a majority of 193, against 126. To conclude this affair, it may not be amiss to give the preamble to this bill, to see the matter in as clear a light as possible; and, especially, since that act itself is not printed amongst the statutes of this parl. By it is declared, "That the payment of First-Fruits and Tenths was extinguished: and all rectories, benefices impropriate, glebe-lands, tithes, oblations, pensions, &c. vested in the crown since the 20th of Henry VIII. are given up to the Church for the augmentation of the livings to which they formerly belonged, for the advantage of other poor cures, for the furnishing preachers; for the exhibiting scholars; and the disposal of these revenues thus restored, is left to the discretion of the lord legate cardinal Pole. But then there was a proviso for saving the right of the subject, who had any interest in these estates granted from the crown. There is likewise a clause for exonerating the king and queen and their successors, from the payment of pensions and annuities to the monks: to which are added corrodies, and fees, which for the future were to be paid out of the Tenths, First Fruits, &c. without any burthen upon the crown. There is another proviso, by which the patronage of these impropriations belonging to the crown is still reserved. And because some temporal estates had been intermixed, and leased out by the crown with these tenths, impropriations, &c. It is enacted, that commissions shall be awarded out of the exchequer to 6 different persons, 3 of the spirituality, and 3 of the temporality, to call 12 men, of credit and substance, before them: 12 men inhabiting in the neighbourhood where these estates lie; and to oblige them upon oath to distinguish and sever the glebe-lands and other spiritual possessions, from the temporal estates, and to rate and apportion how much rent shall be payed for the one and the other."

*Privilege of Parl.*] Nov. 20, "it is ordered in the Commons, That —— Tassard, who caused Mr. Mynne to be arrested, shall pay the serjeants' fees and withdraw his action.—Dec. 6, it is ordered, That Mr. Comptroller, with other of the house, shall declare to the lords, that their opinion is, that their Privilege is broken, for that Gabriel Pledall, a member of this house, was bound in a recognizance in the star-chamber to appear before the council, within 12 days after the end of this parl.:—whereupon Mr. Comptroller, from the lords, said, that they would send answer thereof to the house:—Mr. Marten and Mr. Lewis from the lords, said, they required six of the house to confer with the lords, for that cause; and Mr. Comptroller, Mr. S. Petre, with four

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others went up, and they reported, that the chief justices, master of the rolls, and serjeants, do clearly affirm that the recognizance is no breach of the privilege."

Dec. 9, the queen came to the house to pass the bills; after which, the marq. of Winchester, lord high treasurer, the chancellor being dead, by her maj.'s command, dissolved this parliament.

*A Parl. called.*] We have now a space of two years before we meet with another parl. At length, however, it was determined that one should be called, which met at Westminster on the 20th of Jan. 1558. And though we have no initiating speech from the ld. chanc. at the opening of this parl. yet the Journalist hath given us the ceremony of presenting the Speaker of the commons to the queen; who was Wm. Cordell, esq. master of the rolls; whose excuse being not allowed, he was admitted, with the usual protestation. But the Journals of the the commons acquaint us, that Nicholas Heath, abp. of York, then ld. chanc. declared, that this parl. was called for granting an aid to her maj. And accordingly the first thing that we find deserving of notice, in their proceedings is, that on the 16th of Feb. a bill was sent up by the commons, for granting a subsidy of one 15th, to the queen, by the laity. The clergy, in convocation, having set a liberal example by taxing themselves in a subsidy of 8s. in the pound, to be paid in 4 years; which was also confirmed by parl. The bill for the lay subsidy, &c. passed the house of lords, *nem. con.* on the 19th of Feb. and this is all which their Journals say of this matter.—But the Journals of the commons acquaint us, "that on the 24th of Jan. the lords sent a message to that house, desiring that the speaker, with 10 or 12 more, would meet with a committee of the lords; which consisted of 3 earls, 3 bps, and 3 barons. The commons consented to this proposal, and agreed that 21 of their house should meet the lords, and confer on the queen's wants and the state of the nation. This conference continued some time; for it was not till the 4th of Feb. that a bill was first read for a grant of a subsidy and two 15ths and 10ths, as agreed on by the lords and commons in a committee. The bill was read a 2nd time the next day; but the day after, we are told, many arguments were used about it; and, it is probable, that the speaker was desired to know of the queen whether a less supply would not satisfy. For, Feb. 10th, the speaker acquainted the house, "that he had opened unto the queen his commission, touching the grant of the subsidy; which the queen thankfully took, giving them present hearty thanks, and all the realm." So that a grant of a subsidy and one 15th only, Feb. 16th, was all that was given at that time; the subsidy consisted of 4s. in the pound on lands, and 2/8 from 5l. upwards, on goods to be made before the 24th of June next.

Feb. 12, a bill was brought in for the confirmation of the queen's letters patents. It was passed by the lords on the 26th, and was returned by the commons, on the last day of this session, with certain amendments. This bill was designed chiefly for confirming the religious foundations the queen had made. Whilst it was depending in the Lower House, one Mr. Copley, a member, happened to say, in the debate, "that he did not approve of such a general confirmation of all she had given, or might give; lest, under colour of this, she might dispose of the crown from the right heirs to it." The house was much offended at this; and Copley was made to withdraw; he was voted guilty of great irreverence to the queen; and though he asked pardon, and desired it might be imputed to his youth, yet they kept him in the serjeant's hands, till they had sent to the queen to desire her to forgive his offence. She returned for answer "that, at their request, she readily forgave him; but, desired them to examine him, from whence that motion sprung?" Nothing further is entered in the Journals relative to this affair.

An act was made in this parl. "that accessaries to murder and diverse felonies should not have their clergy; to which was added, at first, that they might not have the benefit of sanctuary. But because this addition might hinder so useful a bill from passing, the churchmen being very tenacious of their privileges, it was thought convenient to leave it out; and a separate bill was brought in concerning sanctuaries, which was wholly to take them away. Against this Feckenham, then abbot of Westminster, for the sake of his church's privileges, in that particular, made much opposition, and desired to be heard by his council. It was ordered, that he should come down to the house the next day, and they should be heard. Accordingly, the famous Mr. Plowden, and Dr. Story, a civilian, appeared for him, and produced several ancient grants from the kings of this realm, and also the queen's grant for the confirmation of this sanctuary. And then they desired the house to consider for the preservation of the same. It is probable that the whole bill was suffered to drop, for we hear no more of it, and it is certain that did it not pass into a law in this reign.—An act, inflicting 5 years imprisonment, or a large fine, on all those concerned in conveying away and marrying young heiresses, under 16 years of age, passed this session and is printed at length amongst the Statutes at Large.

*Privilege of Parl.*] The following cases of privilege appear in the Commons Journal:—"Thos. Eyms, burgess for Thuske, complained, that a subpœna was delivered to him to appear in the chancery, wherefore he required the privilege of this house: whereupon sir Clemant Higham and Mr. Recorder were sent to the Chancellor to require that the process might be revoked.—Feb. 5, a committee was assigned to examine a matter against Walter Rawley, a burgess, complained of out of the admiral court by dr. Cooke's letter. And on the 8th, Walter Rawley, one of the burgesses

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for the borough of Wareham, attached in the admiral court, hath a warrant to obtain a writ of privilege."

March 7, the queen came to the lords and passed the bills, sixteen in number, though the Statute Book only says ten. After which the lord chanc. by her majesty's command, prorogued this parl. to the 5th of Nov. At which time, being again assembled, they proceeded to business; which the journals of the lords inform us, was only reading some bills, seemingly of no great importance; except one, the title was, 'That no man shall print any book or ballad, &c. unless he be authorized thereunto by the king and queen's majesties licence, under the great seal of England.' As this is the first restraint to the Liberty of the Press, which we have yet met with, it is the more remarkable; because it shews us, that the art of printing, which had not then been much more than half a century in use, was become so obnoxious to the govt. that they were obliged to have recourse to an act of parl. to restrain it. What fate this bill would have had in the house of commons is uncertain; for, at the third reading, on the 16th of Nov. the clerk breaks off the lords Journal very abruptly. This must be occasioned by the desperate state the queen was then in, who died the next day, Nov. 17th; and by her death, this parl. was dissolved.—This is all we can meet with, worthy of notice, in the authority above-cited; but, the Journals of the Commons furnishes us with the following account; "On the 7th of Nov. the queen sent for the Speaker of the Commons, and ordered him to open to them the ill condition the nation was in; for, though there was a treaty begun at Cambray, yet it was necessary to put the kingdom in a posture of defence, in case it should miscarry. But, the commons were so dissatisfied, that they would come to no resolution. So on the 14th of Nov. the ld. chanc. the ld. treasurer, the duke of Norfolk, the earls of Shrewsbury and Pembroke, the bps. of London, Winchester, Lincoln and Carlisle, the vise. Montacute, the lords Clinton and Howard, came down to the Commons, and sat in that place of the house where the privy counsellors used to sit. The Speaker left his chair, and he, with the privy counsellors that were in the house, came and sat on low benches before them. The ld. chanc. shewed the necessity of granting a Subsidy, to defend the nation, both from the French and the Scots. When he had done, the lords withdrew; but, though the commons entered, both that and the two following days, into the debate, they came to no issue in their consultations."

*The Queen's Death.*] The reason why the Commons came to no resolution about granting a Subsidy, was doubtless occasioned by the queen's death; since, in all probability, according to the above date, they had not time to frame a bill for that purpose; for, on the 17th of Nov. a message was sent, by the Lords, to the Lower House, requiring the Speaker and their whole house to come to them; when they should hear certain matters that the Lords had to communicate to them. Whereupon, he, with the rest of the house, went up. And the ld. chanc. told them, "That God had taken the queen to his mercy, but had furnished them with another sovereign lady, my lady Elizabeth, her grace." And then willed the knights and burgesses to resort to the palace, where the lords would come and cause her grace to be proclaimed queen of England, &c. and, immediately after, the said proclamation was there made.

*Taxes during this Reign.*

In her first year Mary had tunnage and poundage for life.—In her 3rd year she had a subsidy from the temporality, and 6s. in the pound from the clergy.—In her 6th year she had one subsidy of 4s. in the pound on lands, and 2/8 on goods; also 8s. in the pound from the clergy, and one 15th from the laity.

*Price of Provisions and Labour in this Reign.*

In 1554, wheat, at 8s.; rye, 6/8; malt, 5s.—In 1555, wheat, 8s.; rye, 16s.; malt, 5s.—In 1556, wheat, 8s.; malt, 5s.; beans, 6/8.—In 1557, wheat, 8s.; rye, 8s.; malt, 5s.; oats, 10s.; for threshing a qr. of wheat, 1/1; for threshing a qr. of rye, 10d.; for ditto barley, 5d. This year, before harvest, wheat was 2l. 13/4 per qr.; malt, 2l. 4s.; beans and rye, 2l.; pease, 2l. 6/8.; but after harvest, wheat at London was sold for 5s.; malt, 6/8.; rye, 3/4; and in the country, wheat was 4s.; malt, 4/8; rye, 2/8 per qr.; so that a penny wheat-loaf, which before harvest was 11 ounces, was after harvest 56. In this year queen Mary borrowed of the city of London 20,000l. at 12 per cent.—In 1558, wheat, 8s. per qr.; rye, 8s.; barley, 5s.; a good sheep sold for 2/10.

*List of Boroughs, to whom the Privilege of sending Representatives to Parl. was granted or restored by Queen Mary.*

| | |
|---|---|
| Abingdon | Woodstock |
| Aldeshury | Banbury |
| Penryn | Droitwich |
| St. Ives | Knaresborough |
| Castle-Rising | Rippon |
| Higham Ferrars | Boroughbridge |
| Morpeth | Aldborough, Yorkshire |

Boroughs 14 - - Members 25.

*Public Acts passed in this Reign.*

1 Mary.—An act repealing certain treasons, felonies, and præmunire.

1 Mary, sess. 2.—1. An act declaring the queen's highness to have been born in a most just and lawful matrimony; and also repealing all acts of parl. and sentences of divorce, had and made to the contrary. 2. For the repeal of certain statutes made in the time of the reign of king Edward VI. 3. Against offenders of preachers and other ministers in the church. 4. Touching writings made from the

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6th day of July last past, and before the 1st day of August then next ensuing. 5. For the limitation of prescription in certain cases. 6. Against counterfeiting of strange coins, being current within this realm, or of the queen's highness sign manual, signet, or privy seal, to be adjudged high treason. 7. Touching proclamations upon fines. 8. That sheriffs shall not be justices of peace during that office. 9. Touching the corporation of the physicians in London. 10. For the uniting, dissolving, or new erecting of courts. 11. For the sale of hats and caps made beyond the sea. 12. Against unlawful and rebellious assemblies. 13. For the continuance of certain statutes. 14. For the continuance of a statute made for the reparation of gaols. 15. For the re-edifying of the parish church of st. Elens in Stainegate, within the city of York. 16. For the confirmation of the attainder of John late duke of Northumberland, and others. 17. For the release of the last subsidy of the temporality. 18. Of a subsidy of tunnage and poundage of divers merchandizes.

1 Mary, sess. 3.—1. An act declaring that the regal power of this realm is in the queen's majesty, as fully and absolutely as ever it was in any of her most noble progenitors, kings of this realm. 2. Touching the articles of the queen's highness most noble marriage. 3. For the repeal of two several acts made in the 7th year of king Edward VI. touching the dissolution of the bishoprick of Durham. 4. For the establishing of the office of the lord steward of the queen's most honourable household. 5. For the continuance of a statute made for the repairing of Sherborne causey. 6. For the repairing of a causey betwixt Bristol and Gloucester. 7. Touching cloth-making in corporate-towns and market-towns. 8. Touching the buying and currying of leather. 9. Touching ordinances and rules in cathedral churches and schools. 10. For the repealing of a statute made for the uniting of the parish churches of Onger and Greensteed, in the county of Essex. 11. Touching the sea-sands in Glamorganshire. 12. For the continuation of certain statutes.

1 and 2 Philip and Mary.—1. An act touching letters patents, and other writings to be signed by the queen's majesty. 2. For the reformation of excess in apparel. 3. Against seditious words and rumours. 4. For the punishment of certain persons calling themselves Egyptians. 5. To restrain carrying of corn, victuals and wood over the sea. 6. For the reviving of three statutes made for the punishment of heresies. 7. That persons dwelling in the county shall not sell divers wares in cities and towns corporate by retail. 8. Repealing all statutes, articles, and provisions made against the see apostolic of Rome, since the 20th year of Henry VIII. and also for establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity. 9. For the punishment of traiterous words against the queen's majesty. 10. Whereby certain offences be made treasons; and also for the government of the king and queen's majesties' issues. 11. For the punishment of bringing in of counterfeit coin of foreign realms, being current within this realm. 12. For the impounding of distresses. 13. Appointing an order to justices of peace, touching the bailment of prisoners. 14. For the making of russel sattins, sattins reverses, and fustian of Naples, in Norwich. 15. To confirm the liberties of the lord marchers in Wales. 16. For the continuance of certain statutes. 17. Touching leases hereafter to be made by certain spiritual persons.

2 and 3 Philip and Mary.—1. An act for the re-edifying of castles and forts, and for the inclosing of grounds, upon the borders towards Scotland. 2. For the re-edifying of decayed houses of husbandry, and for the increase of tillage. 3. For keeping of milch kine, and for the breeding and rearing of calves. 4. For the extinguishment of the first-fruits, and touching order and disposition of the tenths of spiritual and ecclesiastical promotions, and of rectories and parsonages impropriate, remaining in the queen's majesty's hands. 5. For the relief of the poor. 6. Against the excessive taking of the king and queen's majesties' purveyors. 7. Against the buying of stolen horses. 8. For the mending of highways. 9. To make void divers licences of houses wherein unlawful games be used. 10. To take examination of prisoners suspected of any manslaughter or felony. 11. Touching weavers. 12. For the viewing and sealing of cloths, commonly called Bridgwaters. 13. For the inhabitants of Hallifax, touching the buying of wools. 14. For the re-edifying of four mills near to the city of Hereford. 15. That the purveyors shall not take victuals within five miles of Cambridge and Oxford. 16. Touching watermen and bargemen upon the river of Thames. 17. To take away the benefit of clergy from Bennet Smith, for the murder of Rufford. 18. Touching commissions of peace and gaol-delivery in towns corporate, not being counties. 19. Touching the powdike in Marshland. 20. For the enlarging of the duchy of Lancaster. 21. For the continuation of certain statutes. 22. For the confirmation of a subsidy granted by the clergy. 23. Of a subsidy granted to the king and queen's majesties by the temporalty.

4 and 5 Philip and Mary.—1. An act for the confirmation of letters patents. 2. For the having of horse, armour, and weapon. 3. For the taking of musters. 4. That accessaries in murder and divers felonies shall not have the benefit of clergy. 5. Touching the making of woollen cloths. 6. To inquire of the behaviour of Frenchmen being denizens. 7. To make up the jury with 'circumstantibus,' where the king and queen, or the queen's majesty, is a party. 8. For the punishment of such as shall take away maidens that be inheritors, being within the age of 16 years, or that marry them without the consent of

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their parents. 9. For the continuation of certain statutes. 10. For the confirmation of the subsidy of the clergy. 11. Of a subsidy and one 15th granted by the temporalty.

## ELIZABETH.

Mary, the eldest daughter of Henry VIII. being dead without issue, Elizabeth, the youngest, succeeded to the crown. She was proclaimed queen of England, &c. immediately on her sister's demise, and was crowned at Westminster, on the 16th of Jan. 1558-9, by dr. Oglethorpe, bp. of Carlisle; the abp. of York, and some other bps. refusing to assist at the solemnity. Elizabeth retained 13 of her sister's privy counsellors, at that time all zealous Catholics, and added 8 new ones, who were equally attached to the Reformed Religion. The names of the former, were, Heath, abp. of York; Wm. Paulet, marq. of Winchester, lord high treasurer; Hen. Fitz-Alan, earl of Arundel; Francis Talbot, earl of Shrewsbury; Edw. Stanley, earl of Derby; Wm. Herbert, earl of Pembroke; Edward Fenys, baron of Clinton, lord high admiral; Wm. lord Howard, of Effingham, lord chamberlain; sir Thos. Cheney, sir Wm. Petre, sir John Mason, sir Rd. Sackvil, and dr. Wotton, dean of Canterbury. Burnet says, that most of these counsellors had complied with all the changes that had been made in religion, backward and forward, since the latter end of Henry's reign, and were so dextrous at it, that they were still employed in every new revolution. The Protestant counsellors, were, Wm. Parr, marq. of Northampton; Francis Russel, earl of Bedford; sir Thos. Parry, sir Edw. Rogers, sir Anth. Cave, sir Francis Knolles, sir Wm. Cecil, and sir Nich. Bacon, soon after made lord keeper of the great seal.

*A Parl. called.*] Shortly after the coronation, writs were issued, dated at Westminster, Dec. 1, for calling a parl. to meet there on the 23rd of Jan. following. On which day, being all assembled, and the receivers and triers of petitions appointed, the lord keeper, and other great officers of state, declared to the whole parl. that, by reason of the queen's indisposition, her maj. durst not come down to the house on that day; but had sent a writ of prorogation to prorogue the said parl. to the 25th inst.; and the said writ was read accordingly. The following are the

*Names and Titles of the Temporal Lords summoned to attend this Parl.*

Wm. marq. of Winchester, lord high treasurer
Tho. duke of Norfolk, earl marshal of England
John earl of Oxford, ld. great chamberlain
Henry e. of Arundele
Thomas earl of Sussex
Francis e. of Huntingdon
Francis e. of Bedford
Wm. e. of Pembroke
Anthony v. Montague
Tho. visc. Howard, of Bindon
Edw. Fenys ld Clinton, ld. high admiral
Wm. Howard ld. Effingham, chamberlain of the houshold
Henry Nevile Lord Bergavenny
J. Touchet ld. Audley
Henry Stanley lord Grange, eldest son to the e. of Derby
Hen. Parker ld. Morley
W. Brooke ld. Cobham
George lord Talbot
Henry ld. Stafford
Wm. l. Grey, of Wilton
Henry ld. Scroop, of Bolton
Henry earl of Westmoreland
Francis e. of Shrewsbury
Edward earl of Derby
Wm. earl of Worcester
Henry earl of Rutland
Henry earl of Cumberland
Edm. ld. Sutton, of Dudley
Henry lord Hastings
J. Blount lord Mountjoy
Arthur ld. Darcie
John lord Lumley
Tho. Stanly ld. Montegle
William ld. Burghe
John Paulet ld. St. John, of Basing, eldest son of the marq. of Winchester.
Wm. lord Willoughby of Parham
John lord Sheffeild
John ld. Darcie, of Chiche
Edm. Brugges, lord Chandos
Edw. ld. Hastings
Henry Carey lord Hunsdon
Oliver ld. St. John, of Bletso

Jan. 25. the queen was present in the lords; but nothing is entered in the Journals but the introduction of the lord Howard, and the lords Hastings, Darcy, Hunsdon, and St. John of Bletso, by the queen's writs, to take their seats in that house. It is remarkable that the abbot of Westminster sat there this parl. but never after. But though the Journals are silent in the speeches, and fuller proceedings at the beginning of this parl. they are amply supplied by a careful collector of the parliamentary proceedings throughout the whole course of this reign. This was sir Simonds D'Ewes, knt. and bart. whose authority, as it is unquestionable, we shall quote from with the same assurance as from the Journals of both houses, when they are deficient in any material circumstances. And, the lord keeper's speech, at the opening of this parl. being omitted in the Journals, we give it from the above collection as follows:

*The Lord Keeper Bacon's Speech, on opening the Parl.*] "My lords and masters all; The queen's most excellent maj. having summoned hither her high court of parl. hath commanded me to open and declare the chief causes and considerations that moved her thereunto. And here, my lords, I wish (not without great cause) there were in me ability to do it in such order and sort, as is beseeming for her maj.'s honour, and the understanding of this presence; and, as the great weightiness and worthiness of the matter doth require it to be done. The remembrance whereof, and the number of my imperfections to the well performing of it, doth indeed (plainly to speak) breed in me such a fear and dread, that as from a man abashed, and well nigh astonied, you are to hear all that I shall say therein. True it is, that some comfort and encouragement I take, through the hope I have con-

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ceived, by that I have seen and heard of your gentle sufferance by others, whereof I look upon equal cause equally with others to be partaker: and the rather, for that I am sure goodwill shall not want in me to do my uttermost; and, also, because I mean to occupy as small a time as the greatness of such a cause will suffer; thinking that to be the meetest medicine to cure your tedious hearing, and mine imperfect and disordered speaking, summarily to say, the immediate cause of this summons and assembly, be consultations, advice, and contentation. For, although divers things that are to be done here in parl. might by means be reformed without parl. yet the queen's maj. seeking in her consultation of importance, contentation by assent, and surety by advice; and therein reposing herself not a little in your fidelities, wisdoms and discretions, meaneth not at this time to make any resolutions in any matter of weight, before it shall be by you sufficiently and fully debated, examined and considered. Now, the matters and causes whereupon you are to consult, are chiefly and principally 3 points. Of those the 1st is of well making of laws, for the according and uniting of these people of the realm into an uniform order of religion, to the honour and glory of God, the establishing of the church, and tranquility of the realm. The 2nd, for the reforming and removing of all enormities and mischiefs, that might hurt or hinder the civil orders and policies of this realm. The 3rd and last, is, advisedly and deeply to weigh and consider the estate and condition of this realm, and the losses and decays that have happened of late to the imperial crown thereof; and therefore to advise the best remedies to supply and relieve the same. For the first, the queen's maj. having God before her eyes, and being neither unmindful of precepts and divine councils, meaneth and intendeth in this conference, first and chiefly there should be sought the advancement of God's honour and glory, as the sure and infallible foundation, whereupon the policies of every good commonwealth are to be erected and knit; and, as the straight line, whereby it is wholly to be directed and governed; and, as the chief pillar and buttress, wherewith it is continually to be sustained and maintained. And, like as the well and perfect doing of this, cannot but make good success in all the rest, so the remiss and loose dealing in this, cannot but make the rest full of imperfections and doubtfulness; which must needs bring with them continual change and alteration; things much to be eschewed in all good governances, and most of all in matters of faith and religion; which of their natures be, and ought to be most stable.—Wherefore her highness willeth, and most earnestly requireth you all, first and principally, for the duty you bear unto God, whose cause this is; and then for the service you owe to her maj. and your country, whose weal it concerneth universally; and for the love you ought to bear to yourselves, whom it toucheth one by one particularly; that in this consultation, you, with all humbleness, singleness, and pureness of mind, confirm yourselves together, using your whole endeavour and diligence, by laws and ordinance, to establish that, which by your learning and wisdom shall be thought most meet for the well performing of this godly purpose: and this without respect of honour, rule or sovereignty, profit, pleasure or ease; or of any thing that might touch any person in estimation or opinion of wit, learning or knowledge; and without all regard of other manner of affection. And therewith, that you will also in this your assembly and conference clearly forbear, and, as a great enemy to good council, fly from all manner of contentions, reasonings and disputations, and all sophistical, captious and frivolous arguments and quiddities, meeter for ostentation of wit, than consultation of weighty matters; comelier for scholars than counsellors; more beseeming for schools, than for parl. houses. Besides that commonly they be great causes of much expence of time, and breed few good resolutions. And like as in council, all contention should be eschewed, even so by council provision should be made, that no contentions, contumelious, or opprobrious words, as 'hereric,' 'schismatic,' 'papist,' and such like names being nurses of such seditious factions and sects, be used, but may be banished out of men's mouths; as the causers, continuers, and encreasers of displeasure, hate and malice; and as utter enemies to all concord and unity, the very marks that you are now come to shoot at.—Again, as in proceedings herein, great and wary consideration is to be had, that nothing be advised or done, which any way in continuance of time were likely to breed, or nourish any kind of idolatry or superstition: so, on the other side, heed is to be taken, that by no licentious or loose handling, any manner of occasion be given, whereby any contempt, or irreverent behaviour towards God and godly things, or any spice of irreligion might creep in, or be conceived: the examples of fearful punishments that have followed these 4 extremities; I mean, idolatry, superstition, contempt, and irreligion, in all ages and times, are more in number than I can declare, and better known than I can make recital to you of. And yet are they not so many, or better known than by the continual budding benefits and blessings of God to those that have forsaken those extremities, and embraced their contraries. And for your better encouraging to run this right and strait course, although that which is said ought to suffice thereto, I think I may affirm, that the good king Hezekiah had no greater desire to amend what was amiss in his time; nor the noble queen Hester a better heart to overthrow the mighty enemies to God's elect, than our sovereign lady and mistress hath to do that may be just and acceptable in God's sight. Thus framed to this by our duties to God, feared thereto by his

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punishments, provoked by his benefits, drawn by your love to your country and yourselves, encouraged by so princely a patroness; let us in God's name go about this work, endeavouring ourselves with all diligence (as I have before said) to make such laws, as may tend to the honour and glory of God, to the establishment of his church, and to the tranquillity of the realm. For the 2d, there is to be considered what things by private men devised, be practised, and put in use in this realm, contrary or hurtful to the commonwealth of the same, for which no laws be yet provided; and whether the laws, before this time made, be sufficient to redress the enormities they were meant to remove; and whether any laws made but for a time, be meet to be continued for ever, or for a season. Besides, whether any laws be too severe or too sharp, or too soft and too gentle: to be short, you are to consider all other imperfections of laws made, and all wants of laws to be made, and thereupon to provide the meetest remedies; respecting the nature and quality of the disorder and offence, the inclination and disposition of the people, and of the manner of the time.—For the 3d and last, (a marvellous matter) I cannot see how a good true Englishman can enter into the consideration of it, but it must breed in his breast two contrary effects; comfort, I mean, and discomfort, joy and sadness: for, on the one part, how can a man (calling to his remembrance that God of his divine power and ordinance, hath brought the imperial crown of this realm to a princess, that so nobly, diligently, willingly and carefully doth, by the advice of all the estates of the realm, seek all the ways and means that may be, to reform all disorders and things that be amiss; to continue and make firm that that is good; to detect and discourage those that be dishonest and evil; to execute justice in all points to all persons, and at all times, without rigour and extremity; and to use clemency without indulgence and fond pity.—A princess, I say, that is not, nor ever meaneth to be, so wedded in her own will and fantasie, that for the satisfaction thereof, she would do any thing that was likely to bring any servitude or bondage to her people; or give any just occasion to them of any inward grudge, whereby any tumult or stirs might arise, as hath done of late days, things most pernicious and pestilent to the commonwealth; a princess, that never meaneth or intendeth, for any private affection, to advance the cause or quarrel with any foreign prince or potentate, to the destruction of her subjects, to the loss of any of her dominions, or to the impoverishing of her realm; a princess, to whom nothing, what nothing? no, no worldly thing under the sun is so dear, as the hearty love and good-will of her nobles and subjects; and to whom nothing is so odible, as that they might cause or by any means procure the contrary.) How can, I say, a man remember this wonderful benefit, but of necessity he must needs heartily rejoice, and give God thanks for the same! but, my lords, the handling of the princely virtues of this noble princess, the cause of our rejoicing, of purpose I pretermit, partly because I ever supposed it not altogether meet for this presence; but, chiefly, for that it requireth a perfect and excellent orator, in whom both art and nature concurs, and not to me, a man in whom both fails. Marry, I wish in my heart, an apt person might oft have meet presence, and just occasion, to handle this matter, as the weightiness of the cause requireth. But, as the causes of our rejoicing for such respects be (thanks be to God) both many and great; so for the causes of our sadness and discomfort, they be neither few nor little. But here upon great cause, as a man perplexed and amazed, I stay, not knowing what is best to be done; very loth I am to utter that which is much unpleasant for me to speak, and as uncomfortable for you to hear: but, because sores and wounds be hardly cured, except they be well opened and searched, therefore constrained of necessity I see I must trouble you with these sad matters. What man, that either loveth his sovereign, his country, or himself; that thinketh of, and weigheth the great decays and losses of honour, strength and treasure; yea, and the peril that hath happened to this imperial crown of late time, but must inwardly and earnestly bewail the same? Could there have happened to this imperial crown a greater loss in honour, strength and treasure, than to lose that place, I mean Calais, which was in the beginning so nobly won, and hath so long time, so honourably and politicly, in all ages and times, and against all attempts, both foreign and near, both of forces and treasons, been defended and kept? Did not the keeping of this breed fear to our greatest enemies, and made our faint friends the more assured, and lother to break? Yea, hath not the winning and keeping of this bred throughout Europe an honourable opinion and report of our English nation?—Again, what one thing so much preserved and guarded our merchants, their traffic and intercourses, or hath been so great a help for the well uttering of our chief commodities; or what, so much as this, hath kept a great part of our sea-coasts from spoiling and robbing? To be short, the loss of this is much greater than I am able to utter, and as yet, as I suppose, is able to be understood by any: and yet, my lords, if this were the whole loss, then might men have some hope in time to come to recover that, that in time hath been thus suddenly and strangely lost: but, when a man looketh further, and considereth the marvellous decays and wastes of the revenues of the crown; the inestimable consumption of the treasure, levied both of the crown and of the subject; the exceeding loss of munition and artillery; the great loss of divers valiant gentlemen of very good service; the incredible sum of monies owing at this present,

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and in honour due to be paid, and the biting interest that is to be answered for the forbearance of this debt; therewith remembering the strength and mightiness of the enemy, and his confederates, and how ready he is upon every occasion, upon every side, and in every time, to annoy you; and how the time most meet for that purpose draweth on at hand. Again, if a man consider the huge and most wonderful charge, newly grown to the crown, more than ever hath heretofore been wont, and now of necessity to be continued; as first, the maintenance of garrisons in certain places on the sea-coasts, as Portsmouth, with new munition and artillery, besides the new increased charge for the continual maintenance of the English navy to be ever in readiness against all evil happs; the strongest wall and defence that can be against the enemies of this island; and further also, the new augmentation or charge, for the maintenance of a garrison at Berwick, and the frontiers northward. Indeed, I must confess that in those matters mine understanding is but small, and mine experience and time to learn less: but, in my opinion, this doth exceed the antient yearly revenue of the crown. Besides, that double so much is of necessity to be presently spent, about the fortifying of those places in buildings. When, I say, a man remembereth and considereth those things, it maketh him so far from hope of recovery of that that is lost, without some aid or contribution of the subject, that he will judge all to be little enough to make and prepare good defence for that that is left.—Here perchance a question would be asked, (and yet I do marvel to hear a question made of so plain a matter) what should be the cause of this? If it were asked, thus I mean to answer; That I think no man so blind but seeth it, no man so deaf but heareth it, nor no man so ignorant but understandeth it. Marry, withal, I think there is no man so hard-hearted in thinking of it, but for the restoring of it would adventure lands, limbs, yea the life. But now to the remedies, wherein only this I have to say, That as the well looking to the whole universally, is the only sure preservation of every one particularly; so seemeth it of all congruence and reason meet, that every one particularly, by all ways and means, readily and gladly, according to his power, should concur and join to relieve and assist the whole universally. Neither can I see, things standing as they do, how any that loveth his country, or hath wit to foresee his own surety, can be withdrawn from this. Is there any, think you, so mad, that having a range of houses in peril of fire, would not gladly pluck down part, to have the rest preserved and saved? Doth not the wise merchant, in every adventure of danger, give part to have the rest assured? These causes well compared, small difference shall be found. And for this, (a strange matter and scarce credible) with how deaf an ear, and how hardly the queen's maj. may endure to hear of any device that may be burthenous to her subjects, I partly do understand, and divers others partly perceive. Is not the cause marvellous and pitiful, that the necessity and need of this ragged and torn state by misgovernance, should by force so bridle and restrain the noble nature of such a princess, that she is not able to show such liberality and bountifulness to her servants and subjects, as her heart and inclination disposeth her highness unto? What a grief and torment this is to a noble mind! what a grief? surely such a grief, as but to a noble mind who feels it cannot be understood. But for the more plain declaration of her highness's disposition in this matter, she hath commanded me to say unto you, even from my own mouth, That were it not for the preservation of yourselves, and the surety of the state, her highness would sooner have adventured her life, (which our lord long preserve) than she would have adventured to trouble her loving subject with any offensive matter, or that should be burthenous or displeasant unto them; and for the further notifying of her highness's mind herein, she hath commanded me to say unto you, That albeit you yourselves see, that this is no matter of will, no matter of displeasure, no private cause of her own, which in times past have been sufficient for princes pretences, (the more pity!) but a matter for the universal weal of this realm, the defence of our country, the preservation of every man, his wife and family particularly; yet her maj.'s will and pleasure is, that nothing shall be demanded or required of her loving subjects, but that, which they, of their own free wills and liberalities, be well contented, readily and gladly, frankly and freely to offer; so great is the trust that she reposeth in them, and the love and affection that her highness beareth towards them, nothing at all doubting, but that they will so lovingly, carefully and prudently, consider and weigh this great and weighty matter, that such provision out of hand be taken therein, as her highness shall be preserved in all honour and royal dignity, and you, and the rest of her loving subjects, in common, quiet and surety. Now, to make an end. The queen's maj.'s pleasure is, that you, her well beloved and trusty knights of her shires and burgesses, according to your laudable custom, shall repair to your common house, and there deliberately and advisedly elect, or rather, amongst so many already elect persons, select one, both grave and discreet, who after he be by you presented, and that presentation by her highness admitted, shall then occupy the office and room of your common mouth, and Speaker; and of your day of presentation the queen's maj. will give you notice."

In the same authority we find the ceremonial speeches made when the commons presented sir Thos. Gargrave, knt. as their speaker.

*Act for restoring the First Fruits, &c.*] Jan. 30th, a bill was brought into the lords for the restitution and annexation of the First Fruits and



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Tenths to the queen's maj. and imperial crown of this realm, and on the 4th of Feb. it passed that house, with the addition of reserved rents, nomine decimarum, and parsonages impropriate.—On the 9th of Feb. was read for the 3rd time a bill for the recognition of the queen's title to the imperial crown of this realm, which was, *nem. con.* assented to, and committed to the queen's solicitor and the clerk of the crown to carry to the lower house. On the same day was read a bill wherein certain offences are declared treason; and another bill against scandalous and seditious words.

*Act for restoring the Supremacy.*] Jan. 30th, a committee of 24 members of the commons were appointed to meet and treat of a convenient subsidy. At the same time it was recommended to them to consider of the validity of the summons, both to the last and also this present parl. in which said writ, the words 'supremum caput ecclesiæ' were omitted. Feb. 3rd, Mr. Carrel reported from the said committee, that it was agreed by them, "that the want of the said words did not at all hinder, or impeach, the validity of the said writs of summons to the preceeding parliaments, or this now assembled." After clearing this point, which was agreed to by the whole house, the bill itself met with no opposition that we can find in their Journal: that house, according to Cambden, being now composed of more protestants than papists; though the latter did not stick to say that secretary Cecil had played an underhand game in the elections; and that several knights of shires and burgesses for cities and corporations, had been returned for this very purpose." The act which met with the greatest opposition in this parl. is intitled, "an act for restoring the Supremacy to the imperial crown of this realm; and repealing divers acts made to the contrary." On the 18th of Feb. the said bill, with certain provisoes added thereto by the lords, and sundry other amendments, was concluded in that house. The abp. of York, the earl of Shrewsbury, the visc. Montague, the bps. of London, Winchester, Worcester, Landaff, Coventry, Exeter, Chester, Carlisle, and abbot of Westminster, dissenting. It was sent down to the commons, who kept it till March the 22nd, and then returned it to the lords, with a new proviso, added by them. This was read thrice on the same day, and concluded; the former abp. and bps. dissenting. Mr. Cambden informs us, that the 9 prelates above-mentioned vigorously opposed the bill; but he has left us none of the arguments used against it. But Mr. Strype, that careful collector of ecclesiastical memoirs relating to the Reformation, has given us two speeches, delivered in the Lords, against this Bill of Supremacy. The orators on this occasion were Nicholas Heath, abp. of York, and Cuthbert Scott, bp. of Chester; whose speeches, though long, must nevertheless have a place in this history.

The Abp. of *York* rose up in his place, and spoke thus: "My lords all; with humble submission of my whole talk unto your honours, I purpose to speak to the body of this act, touching the Supremacy: and that the doings of this honourable assembly may thereinbe always further honourable, two things are right needful and necessary of your wisdoms to be considered. 1st, when by the virtue of this act of Supremacy, we must forsake and flee from the see of Rome, it would be considered by your wisdoms what manner of danger and inconvenience, or else whether there be none at all. 2nd, when the intent of this act is to give unto the queen's highness a supremacy, it would be considered of your wisdoms what this supremacy is, and whether it do consist in spiritual govt. or in temporal. If in temporal, what further authority can this house give unto her highness, than she hath already, by right and inheritance, and not by your gift, but by the appointment of God? She being our sovereign lord and lady, our king and queen, our emperor and empress; other kings and princes of duty ought to pay tribute unto her, she being free from them all. If you will say that this supremacy doth consist in spiritual govt. then it would be considered what this spiritual govt. is, and in what points it doth chiefly remain. Which being first agreed upon, it would be further considered of your wisdoms, whether this house may grant them unto her highness or not; and whether her highness be an apt person to receive the same or not. And by the thorough examination of all these parts, your honours shall proceed in this matter groundly upon thorough knowledge, and not be deceived by ignorance.—Now to the 1st point, wherein I promised to examine this forsaking and flying from the see of Rome, what matter either of weight, danger, or inconvenience doth consist therein? And if by this our relinquishing of the see of Rome there were none other matter therein, than a withdrawing of our obedience from the pope's person, Paul IV. of that name, which hath declared himself to be a very austere stern father unto us, ever since his first entrance into Peter's chair, then the cause were not of such great importance as it is in very deed; when, by the relinquishing and forsaking of the see of Rome, we must forsake and fly from these four things. 1st, we must forsake and fly from all general councils. 2nd, we must fly from all canonical and ecclesiastical laws of the church of Christ. 3rd, from the judgment of all other Christian princes. 4th, and lastly, we must forsake and fly from the unity of Christ's church, and by leaping out of Peter's ship, hazard ourselves to be overwhelmed and drowned in the waters of schism, sects, and divisions.—First, touching general councils, I shall only name unto you these 4: Nicene council, Constantinopolitan, Ephesine, and Chalcedon council, which are approved of all men, doubted of or denied of no man. St. Gregory writeth in this wise, 'sicut enim sancti evangelii quatuor libros, sic hæc quatuor concilia, scilicet Nicen. Constantinopolitan.

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Ephesin. et Chalcedonese suscipere ac venerari me fateor.' At the Nicene council, the bps. which were assembled did write their epistle to Sylvester, then bp. of Rome, that their decrees made there must be confirmed by his authority. At the council kept at Constantinople, all the bps. there were obedient to Damase, then bp. of Rome. He, as chief judge of that council, did give sentence against the heretics, Macedonians, Sabellians, and Eunomians; which Eunomius was both an Arian, and the first author of this heresy, that only faith doth justify; and here, by the way, it is much to be lamented, that we, the inhabitants of this realm, are much more inclined to raise up the errors and sects of ancient and condemned heretics, than to follow the approved doctrine of the most catholic and learned fathers of Christ's church. At the Ephesin council, Nestorius the heretic was condemned by Celestine, then bp. of Rome, he being the chief judge there. At Chalcedon all the bps, assembled there, did write their humble submission unto Leo, then bp. of Rome, wherein they did acknowledge him to be their chief head. Therefore, to deny the see apostolic, were to contemn and set at nought the judgment of these four councils.—2nd, we must forsake and fly from all canonical and ecclesiastical laws of Christ's church, whereunto we have already confessed our obedience at the font, saying, 'credo sanctam ecclesiam catholicam;' which article containeth, that we must believe not only that there is a holy catholic church, but that we must receive also the doctrine and sacraments of the same church, obey her laws, and live according unto the same; which laws do depend wholly upon the authority of the see apostolic. And like as it was here openly confessed by the judges of this realm, that the laws made and agreed upon in the higher and lower house of this hon. parl. be of small or none effect, before the real assent of the king and prince be given thereto; semblably ecclesiastical laws made cannot bind the universal church of Christ without the real assent and confirmation of the see apostolic.—The 3rd, we must forsake and fly from the judgment of all Christian princes, whether they be Protestants or Catholic, when none of them do agree with these our doings; king Henry VIII. being the very first that ever took upon him the title of Supremacy. And whereas it was of late, here in this house, said by an hon. man, that the title is of right due unto the king, for that he is a king, then it would follow, that Herod, being a king, should be supreme head of the church at Jerusalem; and Nero, the emperor, supreme head of the church of Christ at Rome, they both being infidels, and thereby no members of Christ's church. And if our saviour Jesus Christ, at his departure from this world, should have left the spiritual govt. of his church in the hands of emperors and kings, and not to have committed the same unto his apostles, how negligent then should he have left his church, it shall appear right well; by calling to your remembrance, that the emperor Constantius Magnus was the first Christian emperor, and reigned about 300 years after the absence of Christ: if, therefore, by your proposition, Constantine, the first Christian emperor, was the first chief head and spiritual governor of Christ's church throughout his empire, then it followeth, how that our saviour Christ, for that whole time and space of 300 years, until the coming of this Constantine, left his church, which he had dearly bought by the effusion of his most precious blood, without a head; and therefore how untrue the saying of this nobleman was, it shall further appear by the example of king Ozias, and also of king David; for when king Ozias did take the censer to incense the altar of God, the priest Azarias did resist him, and expel him out of the temple, and said unto him these words, 'non est officii tui, Ozia, ut adoleas incensum Domino, sed est sacerdotis et filiorum Aaron; ad hujusmodi enim officium consecrati sunt.' Now, I shall most humbly demand of you this question, When this priest Azarias said unto this king Ozias, 'non est officii tui, &c.' whether he said truth or no? If you answer that he spoke the truth, then the king Ozias was not the supreme head of the church of the Jews: if you shall say, no; why did God then plague the king with a leprosy, and not the priest? The priest Azarias, in resisting the king, and thrusting him out of the temple, in so doing, did he play the faithful part of a subject, or no? If you answer, no; why did God then spare the priest and plague the king? If you answer, yea; then it is most manifest, Ozias, in that he was a king, could not be supreme head of the church. And, as touching the example of king David, in bringing home the ark of God from the Philistines, 'ad civitatem' David, what supremacy and spiritual govt. of God's ark did king David there take upon him? Did he place himself amongst the priests, or take upon him any spiritual function unto the priests appertaining? Did he approach near unto the ark, or yet presume to touch the same; no, doubtless, when before he saw Ozias stricken by the hand of God for the like arrogancy and presumption; and therefore king David did go from the ark of God with his harp, making melody, and placed himself amongst the minstrels; and so humbly did abase himself, being a king, as to dance, skip, and leap before the ark of God, like as his other subjects. Insomuch, that queen Micholl, king Saul's daughter, beholding and seeing the great humility of king David, did disdain thereat. Whereunto king David said, 'ludam, et vilior fiam, plusquam factus sum coram Domino meo, qui me elegit potius quam patrem tuum aut domum patris tui.' And whereas queen Micholl was therefore plagued at the hand of God 'perpetua sterilitate,' king David received great praise for his humility.—Now it may please your honours, which of both these kings' examples it

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shall be most convenient for your wisdoms to move our queen's highness to follow; the example of the proud king Ozias, and by your persuasions and counsels to take upon her spiritual govt. thereby adventuring yourselves to be plagued at God's hands, as king Ozias was; or else to follow the example of good king David, which in refusal of all spiritual govt. about the ark of God, did humble himself as I have declared unto you? Whereunto our sovereign lady, the queen's highness, of her own nature very well inclined and bent, we may assure ourselves to have of her highness as humble, as virtuous, and as godly a mistress to reign over us, as ever had English people here in this realm; if that her highness be not, by our flattery and dissimulation, seduced and beguiled.—4th and last, we must forsake and fly from the unity of Christ's church, when st. Cyprian, that holy martyr, saith, "that the unity of the church of Christ doth depend upon the unity of Peter's authority; therefore, by our leaping out of Peter's ship, we must needs be overwhelmed with the waters of schism, sects, and divisions. For the same holy martyr saith, in his 3rd epistle 'ad Cornelium,' that all heresies, sects, and schisms do spring only for that men will not be obedient unto the head bishop of God. And how true this saying of Cyprian is, it is apparent to all men that listeth to see by the example of the Germans, and by the inhabiters of this realm. And by our forsaking and flying from the unity of the church of Rome, this inconveniency, amongst many, must consequently follow thereof, That either we must grant the church of Rome to be the church of God, or else a malignant church. If you answer, that it is of God, where Jesus Christ is truly taught, and all his sacraments rightly ministered; how then may we disburden ourselves of our forsaking and flying that church, whom we do confess and acknowledge to be of God, when with that church, which is of God, we ought to be one, and not to admit any separation? If you answer, that the church of Rome is not of God, but a malignant church; then it will follow, that we, the inhabitants of this realm, have not as yet received any benefit of Christ, when we have received no other gospel, no other doctrine, no other faith, no other sacraments, than were sent us from the church of Rome. First, in king Lucius his days, at whose humble epistle the holy martyr Elutherius, then bp. of Rome, did send unto this realm two holy monks, Faganus and Damianus, by whose doctrine we were first put to knowledge of the faith of Jesus Christ, of his gospel, and of his most blessed sacraments. Second, holy st. Gregory, being bp. of Rome, did send into this realm two other holy monks, st. Augustin and Mellitus, to revive the very self same faith of Jesus Christ, that was before planted in this realm in the days of king Lucius. Third and last, Paulus Tertius, being bp. of Rome, did send the lord cardinal Pole's good grace, by birth a nobleman of this realm, as his legate, to restore us to the same faith that the blessed martyr Elutherius and holy st. Gregory had planted here in this realm many years before. If therefore the church of Rome be not of God, but a malignant church, then we have been deceived all this while; when the gospel, the doctrine, faith and sacraments must be of the same nature that the church is of from whence it came. And therefore in relinquishing and forsaking of that church, as a malignant church, the inhabitants of this realm shall be forced to seek further for another gospel of Christ, other doctrine, faith, and sacraments, than we hitherto have received. Which shall breed such a schism and error in faith, as was never in any christian realm: and therefore of your wisdoms worthy consideration, and maturely to be provided for, before you pass this act of supremacy.—Thus much touching the first chief point. Now to the second; wherein I promised to move your honours to consider what this Supremacy is, which we go about by virtue of this act, to give unto the queen's highness, and wherein it doth consist; as, whether in spiritual government, or in temporal. If in spiritual, like as the words of the act do import, 'supreme head of the church of England, immediate and next under God;' then it would be considered of your wisdoms in what points this spiritual govt. doth consist; and the points being well known, it would be considered, whether this house have authority to grant them, and her highness ability to receive the same.—And, as touching the point wherein the spiritual govt. doth consist, I have, in reading the gospel, observed these four, amongst many; whereof the first is to loose and bind, when our Saviour, in ordaining Peter to be the chief governor of his church, said unto him, 'Tibi dabo claves regni cœlorum; quodcunque ligaveris super terram, erit ligatum & in cœlis; & quodcunque solveris, erit solutum & in cœlis.' Now it would be considered of your wisdoms, whether you have sufficient authority to grant unto her highness this first point of spiritual govt. and to say to her, 'Tibi dabimus claves regni cœlorum.' If you say, yea, then we require the sight of your warrant and commission by the virtue of God's word: and if you say no, then you may be well assured, and persuade yourselves, that you have no sufficient authority to make her highness supreme head of the church here in this realm. The 2nd point of spiritual govt. is gathered of these words of our Saviour, spoken unto Peter in the xxi. ch. of st. John's gospel, 'pasce, pasce, pasce.' Now whether your honours have authority, by this high court of parl. to say unto our sovereign lady, 'pasce, pasce, pasce,' you must shew your warrant and commission. And further, that her highness, being a woman by birth and nature, is not qualified by God's word to feed the flock of Christ, it appeareth most plainly by st. Paul on this wise, saying, 'Taceant mulieres in Ecclesiis: non enim permittetur eis loqui, sed subditas esse, sicut dicit lex:' and

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it followeth in the same place, 'quod turpe est mulieri loqui in ecclesiis.' And in his 1st epistle to Timothy, ch. 2. saith, 'Docere autem mulieri non permitto, neque dominari in virum, sed in silentio esse.' Therefore it appeareth, that like as your honours have not his authority to give her highness this second point of spiritual govt. to feed the flock of Christ; so, by Paul's doctrine, her highness may not intermeddle herself with the same. Therefore she cannot be supreme head of Christ's church here in this realm. The third and chief point of spiritual govt. is gathered of the words of our Saviour, spoken unto Peter, Luke ch. xxii. 'Ego rogavi pro te, ut non deficiat fides tua: et tu aliquando conversus confirma fratres tuos.' Whereby it appeareth, that one chief point of spiritual govt. is to confirm his brethren, and ratify them both by wholesome doctrine, and administration of the blessed sacraments. But to preach or minister the holy sacraments, a woman may not; neither may she be supreme head of the church of Christ. The 4th and last point of spiritual govt. which I promised to observe and note unto you, doth consist in excommunication, and spiritual punishment, of all such as shall approve themselves not to be the obedient children of Christ's church. Of the which authority our Saviour Christ speaketh, in st. Matthew ch. xviii. there saying, 'Dic ecclesiæ: si autem ecclesiam non audierit, sit tibi tanquam ethnicus & publicanus.' And st. Paul did excommunicate the notorious fornicator that was amongst the Corinths, by the authority of his apostleship. Unto the which apostles, Christ, ascending into heaven, did leave the whole spiritual govt. of his church, as it appeareth by the plain words of Paul, in his epistle to the Ephesians, ch. iv. 'ipse dedit ecclesiæ suæ quosdam apostolos, alios evangelistas, alios pastores & doctores, in opus ministerii, in ædificationem corporis christi.' But a woman, in the degrees of Christ's church, is not called to be an apostle, nor evangelist, nor to be a shepherd, neither a doctor, or preacher. Therefore she cannot be supreme head of Christ's militant church, nor yet of any part thereof.—Thus much I have here said, right hon. and my very good lords, against this act of Supremacy; for the discharge of my conscience, and for the love, dread and fear, that I chiefly owe unto God and my sovereign lady the queen's highness, and unto your lordship's all; when otherwise, and without mature consideration of these premises, your honours shall never be able to shew your faces before your enemies in this matter; being so rash an example and spectacle in Christ's church, as in this realm only to be found, and in none other. Thus humbly beseeching your good honours to take in good part this rude and plain speech that I have here used, of much good zeal and will, I shall now leave to trouble your honours any longer."

It does not appear at what time the above speech was delivered; but it was on the 2nd reading of the bill, that

The Bishop of *Chester* (Cuthbert Scott) stood up and spoke as follows:—"My lord, and my lords all; I do perceive that this bill hath now been twice read, and by the order of this house must be read the third time. Which order I think was appointed to be observed for this end, that every man being a member of this house, should fully understand, and so at large speak his mind and conscience in the contents of all the bills preferred and read here, before that they be enacted and established as laws. Wherefore I considering that this bill hath been now twice read, and hath accordingly been spoken unto gravely, wisely, and learnedly, by divers of this hon. company; and that I for my part as yet have said nothing therein; I shall most humbly desire your good lordships to give me leave, and patiently to hear what I have to say, as concerning this present bill. And yet to confess unto your ldps. the truth; there be two things that do much move me, and as it were pull me back from speaking any thing in this matter. The 1st is, that I perceive the queen's highness, whom I pray God long to preserve, is as it were a party therein; unto whom I do acknowledge that I owe obedience, not only for wrath and displeasure's sake, but for conscience sake, and that by the scriptures of God. The 2nd is, the reverence I have to those noblemen, unto whom this bill was committed to be weighed and considered; whose doings I assure your good ldps. is a great comfort not only unto me, but also, as I do think, unto all that be of the profession that I am of, with many other besides: 1st, for that their devotion towards Almighty God doth appear; seeing they will not suffer the service of the church, and the due administration of the holy sacraments thereof, to be disannulled, or already altered, but to be retained as they have been heretofore: and 2nd, for that their charity and pity towards poor clergy of this realm, doth appear in mitigating the extream penalties mentioned in this bill, for the gainsayers of the contents of the same.—But there be two other things of more weight, that do move me to speak in this matter what I think. The 1st is Almighty God, which I know doth look, that, according to the profession whereunto (although I be unworthy) I am called, I should speak my mind in such matters as this is, when they be called in question. The 2nd is my conscience, which doth urge me to do the same.—Wherefore, now to speak of the matter, this I say, That our faith and religion is maintained and continued by no one thing so much as by unity, which unity is continued and maintained in Christ's church, even as concord and good order is maintained in a commonwealth. Wherein as we see for civil quietness, there is appointed in every village one constable. And lest there should any variance fall amongst them, there is, again, in in every hundred one head-constable, in whom all the other inferiors be as knit in one. And where there be in one shire divers hundreds, to make away all controversies, as might chance

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amongst the said head-constables of these hundreds, of that they be joined as in one. The sherifs likewise be joined in one prince, which prince being deprived of his princely authority, the unity and concord of that realm is dissolved, and every man chooseth himself a new lord. Even so it is in the church of Christ, according to the commandment of St. Paul. There is in every village at the least one priest; in every city one bp. in whom all the priests within the diocese be knit in one; in every province one metropolitan, in whom, for the avoiding of controversies, all the bps. of that province be joined; and for unity to be observed amongst the metropolitans, they be likewise joined in one high bp. called the pope, whose authority being taken away, the sheep, as the scripture saith, be scattered abroad. For avoiding whereof, our Saviour Christ, before his death, prayed that we might be all one, as his father and he be one; which thing cannot be, except we have all one head. And therefore Almighty God said by the prophet Ezekiel, "I will stir up over them one pastor." And our Saviour likewise saith, "There shall be one pastor, and one sheep-fold." Which sentences peradventure some men will say to be applied only to our Saviour, which, in very deed, I must needs grant to be so; yet, this I may say, these places be applied to him only, as other like places of scripture be; for it is said in the scripture, that only God is immortal; and by participation with him, all we that be true christian men be made immortal: only God forgiveth sin, and yet, by commission from him, priests have authority to forgive sin. He is only king, and by commission maketh kings; and likewise he is only priest after the order of Melchisedec, and by commission maketh priests: he of himself, and by none other; all the rest by him, and not of themselves. So he is our only pastor, and by commission hath made other pastors, and especially one to be vicar-general on earth, to govern and rule all his whole flock in unity and concord, and in avoiding of schisms and divisions. And likewise as he sent one holy ghost, to rule and govern his people inwardly, so he appointed one governor, to rule and lead them outwardly.—Which one head-governor cannot be applied to any temporal prince. For then either we must needs grant that the church of Christ was not perfect, but rather a mank body without a head by the space of 300 years and more, (for so long was it after the death of our Saviour before there was one Christian prince in all the world) or else, Christ appointed an infidel, being no member of his church, to be head thereof; which both be absurdities. Again, that Christ appointed no temporal prince to be head of his church it appeareth, by that we see in divers kingdoms there be divers and sundry princes and rulers; so that there should by that means be many heads of one body, the which were a monstrous thing. Thirdly, That he appointed no temporal prince to be head of the church, it appeareth by the word itself spoken by our Saviour 'pasce, feed,' which he spoke not to Herod, Pilate, nor yet to Tyberius the emperor. But he spoke them unto Peter, saying, 'Pasce oves meas.' And where peradventure some men will cavil and argue of the Greek word spoken by our Saviour Christ in that place, which doth signify not only to feed, but also to rule and govern; I answer, that I do not know where that word is applied unto any temporal ruler in the New Testament; and if it so were, yet it doth not prove their intent; for other manifest and plain places of Scripture do exclude them from such authority, notwithstanding that the same scripture doth give them very great authority, commanding us to obey the same; declaring withal, that they bear the sword not in vain, nor without cause. But now mark this word 'sword,' which princes had before the coming of our Saviour Christ; and that he did give them any further authority we read not, but left them as he found them. And as he did give them no spiritual authority, so I do not see that he did take any temporal rule from them. Wherefore he commanded Peter to put up his sword, because he had given him other instruments to use, wherein was included his authority, that is to say, the keys of the kingdom of heaven, saying, 'tibi davo claves regni cœlorum.' In these keys and in exercising of the same, consisteth all authority ecclesiastical given by God unto any man. Unto whom he hath not by Scripture given these keys, they have no right to it. Wherefore it followeth, that no temporal prince hath any authority in or over the church of Christ, seeing that the keys were never given unto any of them.—And here I know it will be objected against me, that as this place doth make against the supremacy of princes, so doth it not make for the primacy of st. Peter. For st. John doth witness, in the 20th ch. of his gospel, that our Saviour did give the keys not only to Peter, but also unto all his apostles, when he did breathe upon them, saying, 'Accipite spiritum sanctum'. Take ye the Holy Ghost: whose sins ye forgive be forgiven to them, and whose sins ye retain are retained.' And divers of the ancient writers do likewise say, That the keys were given unto all the apostles. But yet in one place or other the same authors do declare, that they were given unto Peter principally, as Hillarius, where he saith, speaking of that matter, 'The keys were given to Peter principally, in that he was chief and captain of the other.' And if that any man yet will contend, that this place doth give no more authority to Peter than to the rest of the apostles, I have read another place of scripture, which doth exclude the rest of the apostles from equality of authority with Peter, in the rule and govt. of the church of Christ, and that is the changing of his name: for, at Peter's first meeting with our Saviour, his name was Simon, as it is there mentioned in these words, 'Simon, the son of Jona, thou shalt be called Cephas, that

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is to say, a stone or a rock.' And for what consideration and end Christ gave him that name, it doth appear in the xvi. of st. Matthew, in these words, 'Tu es Petrus, &c. Thou art Peter; i. e. a stone or a rock, and upon this stone or rock I will build my church.' Here I shall desire you to note, that Peter hath a promise made unto himself alone, which was made to none other of the apostles, that is, that as he had received a new name, so he should have a new privilege or preferment, to be the foundation, ground and stay of Christ's church being builded upon him; for he was called a 'rock' or 'stone' for the stability and constancy that should always appear in the church, being builded upon him a sure foundation and immoveable. Which thing doth now appear in the succession of Peter: for as concerning the other apostles, in their own persons, I do not doubt but during their lives natural, they were as firm and stable in the faith of Christ as Peter was; but for their succession we have no such proof, seeing that only the succession of Peter doth continue in the church of Christ, the like appearing in none of the other apostles. Which is the only stay of the same in earth, and undoubtedly shall be until the world's end. This place of scripture, in my judgment, if there were no more, is sufficient to prove that Peter and his successors be appointed of Christ to have the rule and govt. of his church in earth above all others, both spiritual and temporal; and yet I do know that there may and also will objections be laid against these my sayings. For some will say, that Christ himself is the stone whereupon his church is builded, and some will say, that the profession that Peter made of Christ, when he said, 'Thou art the son of the living God.' Which be both true, and yet not repugnant to that which I have said before: for all these 3 understandings, well pondered and considered in their divers respects, may stand together. But I do think that if the mind and intent of our Saviour, when he spake these words, 'Thou art Peter,' &c. be well weighed, the place itself doth declare, that it is specially to be understanded of the person of Peter and his successors. For undoubtedly he knowing, that infidelity and heresies should so encrease and abound, that his church and faith should be in danger to be overthrown and extinguished, made promise there so to provide by Peter and his successors, that it should be always known where his faith should be had and sought for again, if it were any where lost, unto all men that would, with humility, desire, seek after, and receive the same.—So that we now, if we should understand the place of our Saviour Christ, which is the first and true stone of this building in very deed, what certainty can we have of our faith? Or how shall we stay ourselves, wavering in the same in this our time? For at this present there be abroad in Christendom 34 sundry sects of opinions, whereof never one agreeth with another, and all differ from the catholic church. And every one of these sects do say and affirm constantly, that their profession and doctrine is builded upon Christ, alledging scripture for the same. And they all and every of them, thus challenging Christ to be their foundation by scripture, how shall any man know to which of them he may safely give credit, and so obey and follow?—The like is to be said of Peter's confession, wherein we can have no sure trial. For every one of these sects or heresies doth confess and acknowledge Christ to be the son of the living God. So that I think I may conclude that our Saviour Christ in this place, saying, 'That he would build his church upon a stone,' did mean by the stone Peter and his successors, whereunto men might safely cleave and lean; as unto a sure and an unmoveable rock in matters of faith; knowing certainly that in so doing they shall not fall, I mean in faith; as we do most manifestly see it hath come to pass, and continued for the space of 1500 years and odd.—I have heard objected here of late against the supremacy of Peter and his successors, divers reasons which appear unto me to have in them small substance; as I trust it shall appear unto you by the unfolding of the same. And for the better understanding of the same, I will bring them unto three head places.—Whereof the first doth consist in the wicked and evil lives, as it is alledged, of certain popes of Rome; which as I do think were nothing so wicked as they were reported to have been: but let that be, they were so, What then? A man is a man, and, as the scripture sayeth, 'What man is he that sinneth not?' again, if that our Saviour had made the like warrant unto Peter and his successors, as concerning their conversation and living, as he did for the continuance and stability of their faith, and had said unto Peter, 'I have prayed for thee that thou shalt not sin;' as he said, 'I have prayed that thy faith shall never fail;' then their evil lives had been an argument to have proved, that they had not been the true successors of Peter, neither had had any such authority given unto them of God. But seeing that the warrant was made only for the continuance of their faith, wherein they have hitherto, and do yet most constantly stand, without any mention of their conversation and living, it is in my judgment no proof nor argument against the authority and supremacy of the see of Rome: as we see that the adultery and murther committed by king David, doth not diminish the authority of godly Psalms written by him; neither the dissolute living and idolatry of king Solomon is prejudicial to divers books of scripture written by him; nor yet the covetousness of the prophet Balaam did let, in any condition, the vertue and strength of God, the blessing of God sent unto the children of Israel by him, nor the truth of the prophecy, as concerning the coming of our Saviour, by him likewise pronounced; even so the lives of the popes of Rome, where they never so wicked, cannot be prejudicial to the authority

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given to Peter and his successors, by the mouth of our Saviour.—The sum of the objections secondarily made against his authority, doth consist (as they do alledge) in certain canons of the council of Nicene, and the 6th council of Carthage, with the departure of the Greek church, and other realms now in our days from the authority of the said see of Rome. As concerning the council of Nicene, I do marvel that they will alledge any thing therein contained in this matter, seeing in the preface of the said council it is declared, that this authority which we speak of is given unto the said see by no councils or synods; but by the evangelical voice of our Saviour Jesus Christ: and also the fathers of the said council being condescended and agreed in all matters of controversy, moved in that their assembly, wrote unto the pope, desiring to have their decrees confirmed by his authority; as it doth more at large appear in their epistle written in that behalf. Further, Athanasius, which was present at the said council, and after patriarch of Alexandria, doth not only acknowledge the cure and charge of the universal church of Christ to be given to Peter and successors, but also being universally deprived, did appeal unto the pope of Rome, and by him was restored again. And likewise the 6th council of Carthage maketh nothing for their purpose. For the supremacy of the pope was not called in question there, but some variance there was indeed, which consisteth in this point only, whether a bp. or a priest, being accused and troubled, and thinking himself to have wrong, might appeal to Rome for the better examination and trial of his cause or no; as one Appiarius a priest had done then in Africk. There was alledged for appellations to be made to Rome a canon of Nicene council, which indeed was sought for and could not be found. Which was no marvel; for whereas the fathers in Nicene council made 70 canons, through the wickedness of heretics, there was then but found remaining only 21. Yet that notwithstanding the bps. of Africk did not long after submit themselves to the church of Rome in that point. Also, they use to inculcate the authority of this council, for because that st. Augustin was present at it; as he was indeed, which maketh directly against them. For st. Augustin doth every where in his works acknowledge the supremacy of st. Peter and his successors; as in his 162nd epistle, saying thus, 'In the church of Rome hath always been strengthened, or flourished, the rule or authority of the apostolic chair.'—And where I heard a question moved here of late, whether that ever the Greek church did acknowledge the superiority of the church of Rome or no? Of the which matter I marvel that any man doth doubt, seeing that the Greek church did not only acknowledge, but also continue in obedience under the said church of Rome, by the space of 800 years at the least, so far as I can read myself, or learn of others. And after that it did first renounce the said authority, it did return again with submission 14 several times, as good authors write, and as we may partly gather by the council of Florence, which was about 141 years ago; whereas the patriarch of Constantinople himself was present among other bps. and learned men of Greece, in the which this matter in controversy was determined and agreed upon, as it doth manifestly appear in the canons of the said council. Moreover, if the Greek church were not under the authority and rule of the church of Rome, what shall we think of the story of Anthemas, patriarch of Constantinople, which was deposed for the heresy of Eutyches, by the pope Agapetus. For whose restitution earnest and long suit was made by the empress Theodora, that then was, first to the pope Silverius, and after to his successor Vigilius, and could in no condition be obtained. But as touching the Greek church, and the departure of the same from the church of Rome; this we may briefly say and conclude, that after it did divide itself from the church of Rome, it did by little and little fall into the most extreme miseries, captivity and bondage; in the which at this present it doth remain. And as concerning other countries that have renounced the aforesaid authority, as Germany, Denmark, and as it was here said, Polonia; this I have to say, that the miseries and calamities that Germany hath suffered, since their departure from the church of Rome, may be a warning and example to all other nations to learn by, and beware of the like attempt. And as for Denmark, I do hear indeed they be very Lutherans, and have also renounced the pope's authority; but yet I cannot learn, nor hear, that either the king of Denmark, or yet any prince of Germany, doth take upon him to be called 'Supreme head of the church.' And as for Polonia, although it be troubled with heresies, as other realms be, yet I cannot learn, that either the king, or the clergy thereof, hath, or doth give any place to the same, but of the contrary doth most earnestly withstand them; as may right well appear by certain books set out this present year, that is 1558, by a bp. of Polonia, called Stanislaus Hosius; in the which it is declared, amongst many other things, that earnest suit had been made by the protestants to have three things granted and suffered to be practised within that realm; that is to say, that priests might have wives; to have the public service in their vulgar tongue; and the sacrament of the altar ministred under both kinds; which all three were denied them. Whereby it appeareth plainly that Polonia is not in that case that men reported it to be in. But and if it were so, that all these realms, yea and more, were gone from the obedience of that church, doth it therefore follow that the authority thereof is not just? I think not so. For as Ferdinandus, now emperor, descending justly by election from Constantine the great, if the empire which was under Constantine's rule were divided into 20 parties, it hath scarcely one of the 20, and yet the au-

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thority of an emperor continueth in him still. And as the departure of Gascoigny, Guienne, Normandy, Scotland and France, which were all sometimes under the imperial crown of England, doth not take away the authority thereof, but that it is an imperial crown still; even so doth not the departure of these countries from the see of Rome, diminish the authority given unto the same by God. Besides that st. Paul saith, 'That there shall be a departing before the day of judgment;' which although some understand of the empire, yet the most part refer it to the church of Rome, from whence men shall fall and depart by infidelity and heresies; but whether it shall be in all countries at one time or divers times, it is uncertain.—Thirdly, there is alleged a provincial council or assembly of the bps. and clergy of this realm of England; by whom the authority of the bp. of Rome was abolished and disannulled. Which now some inculcate against us, as a matter of great weight and authority; whereas in very deed it is to be taken for a matter of small authority, or else none. For 1st, we know that a particular or a provincial council can make no determination against the universal church of Christ. 2dly, of the learned men that were the doers-there, so many as be dead, before they died were penitent, and cried God's mercy for that act: and those that do live, as all your ldps. do know, have openly revoked the same, acknowledging their error. And where some here do say, that they will never trust those men which once denied the pope's authority, and now of the contrary stand in the defence of the same; in my judgment their sayings be not greatly to be allowed. For it may happen, as oftentimes it doth chance indeed, that a man of honesty, worship, yea of honour, may commit treason against his prince, and yet by the goodness of the same prince be pardoned for that offence; shall we determinately say, that man is never after to be trusted in the prince's affairs? Nay, God forbid, but rather think of the contrary; that he which once hath run so hastily and rashly, that he hath overthrown himself and fallen, and broken his brow or his shin, will after that take heed to walk more warily. As we learn at the apostles of our saviour Christ, which did all forsake him and run away, when he was apprehended and brought before the Jews, and specially of st. Peter, which did thrice deny him. And yet after, as well Peter as all the rest of the apostles, did return again to their master Christ; and never would after, for neither persecution nor death, forsake or deny him any more. So that it may appear, although men have once gone astray, if they return to the truth again, their testimonies in the truth be not to be discredited. And so I trust that you see that all these reasons and objections, made against the authority of the church of Rome, be of none effect, if they be indifferently weighed and considered.—And whereas there was a reason made here, that a temporal prince, unto whom no ecclesiastical jurisdiction or rule is given or committed by God, cannot himself be head of the church of Christ; so he cannot substitute nor appoint another to exercise any such jurisdiction or authority in spiritual matters, in or over the church of Christ under him: for as it was then said, no man can give to another that thing which he hath not himself: whereunto this answer was made, That a prince may give to another that authority which he hath not himself, neither may exercise; as for example, they alledge, that a king of himself is not a judge, and yet he hath authority to appoint judges to minister justice. And likewise they said, that a king himself is no captain, and yet hath authority to appoint captains under him, for defence of his realm and overthrow of his enemies; and even so, say they, he may appoint and substitute one under him to exercise spiritual jurisdiction, although he have no such authority himself. Which reasons appear unto me not only to be very weak and feeble, but also to be plain, false and against Scripture; which doth declare, that the office of a king doth consist especially in these two points, which these men deny to be in him; that is, playing of the judge, and ministering of justice to his subjects; and likewise in playing the valiant captain, in defending of the same his subjects from all injury and wrong; as the 8th ch. of the 1st book of Kings declareth, 'Our king shall judge us, and he shall go forth before us and he shall fight our battles for us.' And likewise Nathan said unto David's own person, 'Make me answer according to justice.' And likewise Solomon himself did give sentence and judgment between the two common women, which of them two was the mother of the child which was alive. And as for to prove that those kings, with other in the Old Testament, were captains themselves in the defence of their realms, is more manifest than I shall need to travel in proving of the same.—And thus to draw unto an end, I trust your ldps. do see, that for unity and concord in faith and religion, to be preserved and continued in the church, our saviour, the spouse thereof, hath appointed one head or governor, to wit, Peter and his successors, whose faith he promised should never decay, as we see manifestly it hath not indeed. And for those men which write and speak against this authority, if therewith their writings and their doings be well considered, they shall appear to be such, as small credit or none is to be given unto in matters of weight, such as this is. For who so readeth the 3d ch. of the 2d epistle of st. Paul to Timothy, may see them there lively described with their doings. And specially one sentence therein may be applied and verified of them most justly, that is, 'Always learning and never coming to the knowledge of truth.' For as we see them vary amongst themselves, one from another, so no one of them doth agree with himself in



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matters of religion two years together. And as they be gone from the sure rock and stay of Christ's church, so do they reel and waver in their doctrine, where no certainty nor stay can be found. Whereof st. Paul doth admonish us, and teach us in the person of his scholar Timothy, to be constant in doctrine and religion, and not to follow such men. For after, in the same chapter, he saith thus, 'But as for thee, continue in those things which thou hast learned, and which be credited unto thee, knowing of whom thou hast learned them.' In which words we might understand, that st. Paul doth not move any man to continue in any false or untrue doctrine. Wherefore he moveth every man to consider, not only his religion and doctrine, but also, or rather, the schoolmaster of whom he learned the same. For of the knowledge, constancy, and worthiness of the schoolmaster, or teacher, may the doctrine, taught by him, be known to be good and sound, or otherwise. Now if a man should ask of these men in this realm, which dissent from the catholic church, not only in this point of the supremacy, but also in divers of the chief mysteries of our faith; of whom they learned this doctrine which they hold and teach, they must needs answer, that they learned it of the Germans. Then we may demand of them again, of whom the Germans did learn it? Whereunto they must answer, that they learned it of Luther. Well, then of whom did Luther learn it? Whereunto he shall answer himself, in his book that he wrote, 'De missa angulari, seu privata;' where he saith, 'That such thing as he teacheth against the mass, and the blessed sacrament of the altar, he learned of Satan, the devil.' At whose hands, it is like, he did also receive the rest of his doctrine. Then here be two points diligently to be noted; 1st, That this doctrine is not 50 years old, for no man taught it before Luther. And 2dly, That Luther doth acknowledge and confess the devil to be his schoolmaster in divers points of his doctrine. So that if men would diligently mind st. Paul's words, where he biddeth us 'Know of whom we have learned' such doctrine as we hold, they would refuse this perverse and wicked doctrine, knowing from whom it came. But if they will ask us of whom we learned our doctrine, we answer them, that we learned it of our forefathers in the catholic church, which hath in it continuedly the holy spirit of God for a ruler and governor. And again, if they ask of whom our fathers learned this same, we say of their forefathers within the same church. And so we manually ascend in possession of our doctrine, from age to age, unto the apostle Peter, unto whom, as st. Cyprian saith, our saviour Christ did betake his sheep to be fed, and upon whom he founded his church.—So that now we may be bold to stand in our doctrine and religion against our adversaries, seeing that theirs is not yet 50 years old, and ours above 1500 years old. They have for authority and commendation of their religion, Luther and his schoolmaster before-mentioned; we have for ours st. Peter and his master Christ. So that now, by the doctrine of Irenæus, every man may know where the truth is, and whom he should follow; which saith thus, 'To those priests, which be in the church, we ought to obey, those which have their succession from the apostles, who with bishop-like succession, have received a sure gracious gift, according to the good-will of the father. But for the other, which depart from the principal succession, and be gathered in whatsoever place, we ought to hold them suspected, either as heretics and of an evil opinion, or as making divisions, and proud men, and pleasing themselves; or again as hypocrites, doing that for advantage and vain glory, which all do fall from the truth.' And thus I make an end, most humbly thanking your good lds. for your gentle patience; desiring the same likewise to weigh and consider these things which I have spoken, as shall be thought good to your wisdoms."

Amongst the temporal lords, in the opposition to the bill of Supremacy, Anthony Brown, visc. Montecute, (who had been sent to Rome, in the last reign, by the last parl.; along with Thurlby, bp. of Ely, to procure that England might be restored to the unity of the church of Rome, and obedience to the apostolic see;) out of a sentiment of zeal and honour, says Cambden, spoke, in the debate, to this effect: "That it would be a very disgraceful reflection upon England, which was so lately and so well reconciled to the apostolic see, to make so sudden a revolt from it. And, moreover, the hazard would be as great as the scandal, should the pope thunder out his excommunication; and expose the nation, by that means, to the resentment of its neighbouring enemies, upon the score of this defection. That he, for his part, and by authority of parl. and in the name of the whole body of England, rendered obedience to the pope; the performance of which he could by no means dispense with. He, therefore, conjured them, with great importunity, not to withdraw themselves from the see of Rome; to which they were beholden for the first christian faith, and the constant defence of it ever since."—What success all these speeches had needs no explanation; the bill passed into a law; and is the first among the other printed statutes of this reign. This act renews all the laws of Henry VIII. which Mary had repealed, as well as those of Edw. VI. in favour of the Reformation.

*A Subsidy.*] Feb. 11, two bills were sent up by the commons; the one for a Subsidy of two 15ths and two 10ths, granted by them, the other for tonnage and poundage given also for life. The first was passed by the lords on the 16th; and the latter on the 20th. A petition was delivered to the Lords, by the knights and burgesses of the Welsh shires, and the county palatine of Chester, praying to be respited, and

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have longer time allowed them, for the payment of the subsidies and myses charged upon those counties. The lords thought proper to move the queen, about this matter, by the lord keeper, to know her majesty's pleasure herein; which, after they understood, an order was made that the said counties should be allowed a year's time, after the assessment of these taxes was laid by the commissioners, to discharge them in; and this award was ordered to be entered in their Journal.

*Resolution relating to Privilege of Peers.*] In the said Journals is also an entry made, relating to the Privileges of the peers. "Whereas one John Broxham hath brought one assize against the lord Willoughby of Parham, to be tried at and in the assizes and sessions, now next to be holden at Lincoln. Upon complaint and petition of the said lord Willoughby, for that he necessarily attendeth the parliament, so as he cannot with his learned council, some of whom likewise be burgesses of this parl. be at the said sessions and assizes. It is therefore ordered and decreed, by the lords in parl. that an injunction presently be awarded out of the chancery, to the said John Broxham, his counsellors and attornies, commanding them, and every of them, upon the pain of 500l. that they nor none of them in any wise proceed in and to that trial of the said assize, at this assizes now next to be holden at Lincoln aforesaid."

*The Commons address the Queen to marry.*] Feb. 4th, a motion was made in the Commons to address her maj. on the subject of her marriage. This was seconded by several; though the substance of the arguments made use of on this occasion are omitted in the Journal. On the 6th it was agreed by the whole house, that 30 of their members should go with the Speaker, and attend upon the queen that afternoon with their address. However, it was not presented till the 10th, to try to get the lords to second it; but they, says Camden, refused, for fear they should be suspected of a design to serve their own ends by it. Wherefore, on the day aforesaid, sir Tho. Gargrave, the Speaker, and the committee, waited upon the queen, when he delivered himself to her in these words:

"May it please the queen's highness; there is nothing that we more earnestly desire of God in our daily prayers, than that the happiness we have hitherto enjoyed in the equity and justice of your maj.'s govt. may be continued to this nation down to the latest posterity. But how to effect this, amidst all the variety of our aims and endeavours, we must profess ourselves at a loss, unless either your maj. were to reign for ever (a blessing which it were in vain to hope for) or would vouchsafe to accept some match capable of supplying heirs to your royal virtues and dominions, which God grant, since it is the hearty and united wish of all your subjects. It ought to be the main concern of persons of all ranks and degrees whatever (of princes especially) that since they are mortal themselves, they may secure the kingdom from that fate. Now it is in your maj.'s power to confer this kind of immortality upon your kingdom of England, by accepting a husband, who may prove a support and comfort to you, in all changes of fortune; besides that your maj.'s temper and age, person and fortune, seem to plead hard for such a change of state. For it cannot be doubted, but the single zeal and assiduity of such a relation will dispatch more business, and to better purpose, than the joint endeavours of a great many who are less concerned. Nor indeed can any thing have a worse influence upon the public, than that a princess, whose marriage must needs produce the twin blessings of peace and safety to a kingdom, should, like a nun profest, condemn herself to a single state. Since your maj. has received the kingdom by way of inheritance from your royal ancestors, you ought to continue it down to such as may prove the glory and the security thereof. Besides, the kings of England have ever shewn a more than ordinary concern that the royal family might not be extinct for want of issue: hence was it, that your royal grandfather, Henry VII. did (within our freshest memory) provide suitable matches for his sons Arthur and Henry, though they were both very young. And for the same reason, your royal father courted Mary queen of Scots, for his son prince Edward, who was then but 8 years old. And it is not very long since your sister, queen Mary, though pretty well advanced in years, was married to Philip of Spain. Now, if the lot of barrenness, whether it fell to the share of princes or peasants, was always looked on as the most grievous misfortune, what a weighty guilt must that princess contract, who shall make this punishment her option; from whence innumerable evils must arise to the commonwealth, and such misfortunes as are not even to be thought of without dread and horror. That matters may never come to this sad pass, not only the small number of us that are here present, but all England in general, and every one of your subjects in particular, cast themselves at your maj.'s feet, and with the deepest concern tender this humble, but pressing and earnest address."

The following is the queen's answer to this speech, as it is preserved in D'Ewes's Journal.

"Gentlemen; as I have good cause, so do I give you all my hearty thanks, for the good zeal and loving care you seem to have, as well towards me, as to the whole estate of your country. Your petition, I perceive, consisteth of three parts, and my answer to the same shall depend of two. And to the 1st part, I may say unto you, that from my years of understanding, since I first had consideration of myself to be born a servant of Almighty God, I happily chose this kind of life, in the which I yet live; which I assure you, for mine own part, hath hitherto best contented myself, and I trust hath been most acceptable unto God; from the which, if either ambition of high

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estate offered to me in marriage, by the pleasure and appointment of my prince (whereof I have some record in this presence, as you our treasurer well know), or if eschewing the danger of mine enemies, or the avoiding the peril of death, whose messenger, or rather a continual watchman, the prince's indignation, was no little time daily before mine eyes, by whose means, although I know, or justly may suspect, yet I will not now utter; or if the whole cause were in my sister herself, I will not now burden her therewith, because I will not charge the dead; if any of these, I say, could have drawn or dissuaded me from this kind of life, I had not now remained in this estate wherein you see me; but so constant have I always continued in this determination, although my youth and words may seem to some hardly to agree together; yet is it most true, that at this day I stand free from any other meaning, that either I have had in times past, or have at this present; with which trade of life I am so thoroughly acquainted, that I trust God, who hath hitherto herein preserved and led me by the hand, will not of his goodness suffer me to go alone.—For the other part, the manner of your petition I do well like, and take it in good part, because it is simple, and containeth no limitation of place or person: if it had been otherwise, I must needs have misliked it very much, and thought it in you a very great presumption, being unfitting, and altogether unmeet for you to require them that may command you; or those to appoint, whose parts are to desire; or such to bind and limit, whose duties are to obey; or to take upon you to draw my love to your liking, or frame my will according to your fantasy; for a guerdon constrained, and gift freely given, can never agree together. Nevertheless, if any of you be in suspect, whensoever it may please God to incline my heart to another kind of life, you may well assure yourselves, my meaning is not to determine any thing wherewith the realm may or shall have just cause to be discontent. And therefore put that clean out of your heads. For I assure you, (what credit my assurance may have with you I cannot tell, but what credit it shall deserve to have the sequel shall declare) I will never in that matter conclude any thing that shall be prejudicial to the realm. For the weal, good, and safety whereof I will never shun to spend my life; and whomsoever it shall be my chance to light upon, I trust he shall be such as shall be as careful for the realm as you; I will not say as myself, because I cannot so certainly determine of any other; but by my desire he shall be such as shall be as careful for the preservation of the realm and you as myself. And albeit it might please Almighty God to continue me still in this mind, to live out of the state of marriage, yet is it not to be feared, but he will so work in my heart, and in your wisdom, as good provision, by his help, may be made, whereby the realm shall not remain destitute of any heir that may be a fit governor, and peradventure more beneficial to the realm, than such offspring as may come of me: for though I be never so careful of your well-doing, and mind ever so to be, yet may my issue grow out of kind, and become perhaps ungracious. And in the end, this shall be for me sufficient, that a marble stone shall declare, that a queen having reigned such a time lived and died a virgin. And here I end, and take your coming to me in good part, and give unto all my hearty thanks; more yet for your zeal and good meaning than for your petition."

*Act respecting the Liturgy.*] In this parl. an act was passed for the uniformity of the Common Prayer and Service in the church, and the administration of Sacraments. By this act, the Liturgy and the Sacraments, established in Edward VI.'s time, were to be used and administered in all churches, with very little variation, under a certain penalty to such as should presume to corrupt them, or resort to any other. Against this bill we have two speeches, in "Strype's Annals," made by two zealous Catholic divines, viz. dr. Feckenham, abbot of Westminster, the last of his order that ever spoke in that house; and the same dr. Scott, bp. of Chester, whose speech we have just given. The following are copies of the said speeches.

Abbot *Feckenham* rose and said: "Hon. and my very good lords, having at this present two sundry kinds of religion here propounded and set forth before your honours, being already in possession of the one of them, and your fathers before you, for the space of 1400 years past here in this realme, lyke as I shall hereafter prove unto you; the other religion here set in a book to be received and established by the authority of this high court of parl. and to take its effect here in this realm at Midsummer next coming. And you being, as I know, right well desirous to have some proof or sure knowledge, which of both these religions is the better, and most worthy to be established here in this realm, and to be preferred before the other; I will, for my part, and for the discharge of my duty, 1st, unto God; 2nd, unto our sovereign lady the queen's highness; 3rd, unto your honours and to the whole commons of this realm; here set forth and express unto you, 3 brief rules and lessons, whereby your honours shall be able to put difference betwixt the true religion of God and the counterfeit, and therein never be deceived. The 1st of these 3 rules or lessons is, that in your search and trial-making, your honours must observe, which of them both hath been of most antiquity, and most observed in the church of Christ, of all men, at all times and seasons, and in all places. The 2nd, which of them both is of itself more stedfast, and always forth one and agreeable with itself. The 3rd and last rule to be considered of your wisdoms is, which of these religions doth breed the more humble and obedient

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subjects, first unto God, and next unto our sovereign lady the queen's highness, and all superior powers.—Concerning the first rule and lesson, it cannot be truly affirmed, or yet thought of any man, that this new religion, here now to be set forth in this book, hath been observed in Christ's church of all Christian men, at all times, and in all places; when the same hath been observed only here in this realm, and that for a short time, not much passing the space of two years, and that in king Edward VI. his days; whereas the religion, and the very same manner of serving and honouring of God, of the which you are at this present in possession, did begin here in this realm 1400 years past in king Lucius's days, the first Christian king of this realm; by whose humble letters sent to the pope Eleutherius, he sent to this realm two holy monks, the one called Damianus, the other Faganus; and they, as embassadors sent from the see apostolic of Rome, did bring into this realm, so many years past, the very same religion whereof we are now in possession; and in the Latin tongue, as the ancient historiographer Gildas witnesseth, in the prologue and beginning of his book of the Britain history. And the same religion, so long ago begun, hath had this long continuance ever since in this realm; and only of the inhabitants thereof, but also generally of all Christian men, and in all places of Christendom, until the late days of Edw. VI. as is aforesaid. Whereby it appeareth unto all men that list to know, how that by this rule and lesson, the ancient religion and manner of serving of God (whereof we are already in possession) is the very true and perfect religion, and of God.—Touching the 2nd rule and lesson of trial-making and probation, whether of both these religions is the better and most worthy of observation here in this realm, is this, that your honours must observe which of both these is the most stayed religion, and always forth one, and agreeable with itself. And that the new religion here now to be set forth in this book is no stayed religion, nor always forth one, nor agreeable with itself, who seeth it not; when in the late practice thereof in Edw. VI.'s days, how changeable and how variable was it in and to itself? Every other year having a new book devised thereof; and every book being set forth, as they professed, according to the sincere word of God, never any one of them agreeing in all points with the other: the first book affirming the 7 sacraments, and the real presence of Christ's body in the holy eucharist; the other denying the same: the one book admitting the real presence of Christ's body in the said sacrament to be received in one kind, with kneeling down, and great reverence done unto it, and that in unleavened bread; and the other book would have the communion received in both the kinds, and in loaf bread, without any reverence, but only unto the body of Christ in heaven. But the thing most worthy to be observed of your honours is, how that every book made a shew to be set forth according to the sincere word of God, and not one of them did agree with another. And what marvel, I pray you, when the authors and devisors of the same books could not agree amongst themselves, nor yet any one of them might be found that did long agree with himself? And for the proof thereof, I shall first begin with the German writers, the chief schoolmasters and instructors of our countrymen in all these novelties.—And I do read in an epistle, which Philip Melancthon did write unto one Frederico Miconino, how that one Carolostadius was the first mover and beginner of the late sedition in Germany, touching the sacrament of the altar, and the denying of Christ's real presence in the same. And when he should come to interpret those words of our saviour Christ; 'accepit panem, benedixit, fregit, deditque discipulis suis, dicens, accepite, et comedite, hoc est corpus meum, quod pro vobis tradetur; digito, inquit ille, monstravit visibile corpus suum.' By which interpretation of Carolostadius, Christ should with the one hand give unto his disciples bread to eat, and with the other hand point unto his visible body that was there present, and say, "this is my body, which shall be betrayed for you." Martin Luther, much offended with this foolish exposition made by Carolostadius, of the words of Christ, 'hoc est corpus meum,' he giveth another sense, and saith that German, 'sensus verborum Christi,' was this, 'per hunc panem, vel cum isto pane, En! Do vobis corpus meum.' But Zuinglius finding much fault with the interpretation of Martin Luther, writeth, that Luther therein was much deceived, and how that in these words of Christ, 'hoc est corpus meum,' the verb substantive 'est' must be taken for 'significat,' and this word 'corpus (quod pro vobis tradedur)' must be taken 'pro figura corporis.' So that the true sense of these words of Christ, 'hoc est corpus meum,' by Zuinglius's supposal, is 'hoc significat corpus meum, vel est figura corporis mei.' Peter Martyr being of late here in this realm, in his book by him set forth, of the disputation which he had in Oxford, with the learned students there of this matter, giveth another sense of these words of Christ, contrary unto all the rest, and there saith thus, 'quod Christus accipiens panem benedixit, fregit, deditque discipulis suis, dicens, hoc est corpus meum; quasi diceret corpus meum, per fidem perceptum, erit vobis pro pane, vel instar panis.' Whose sense in the English is this, "that Christ's body, received by faith, should be unto you as bread, or instead of the bread."—But here to cease any further to speak of these German writers, I shall draw nearer home, as unto dr. Cranmer, late abp. of Canterbury, in this realm; how contrary was he unto himself in this matter? When in one year he did set forth a catechism in the English tongue, and did dedicate the same unto Edw. VI. wherein he did most constantly affirm and defend the

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real presence of Christ's body in the holy eucharist; and very shortly after he did set forth another book, wherein he did most shamefully deny the same, falsifying both the scriptures and doctors, to the no small admiration of all the learned readers. Dr. Ridley, the notablest learned of that religion in this realm, did set forth at Paul's cross, the real presence of Christ's body in the sacrament, with these words, which I heard, being there present: 'How that the devil did believe the son of God was able to make of stones bread; and we English people, which do confess that Jesus Christ was the very son of God, yet will not believe that he did make of bread his very body, flesh and blood. Therefore we are worse than the devil; seeing that our saviour Christ, by express words, most plainly affirmed the same, when at the last supper he took bread, and said unto his disciples, 'Take ye, eat, this is my body, which shall be given for you.' And shortly after the said dr. Ridley, notwithstanding this most plain and open speech at Paul's cross, did deny the same. And in the last book that dr. Cranmer and his accomplices did set forth of the communion, in Edw. VI. days, these plain words of Christ, 'Hoc est corpus meum,' did so encumber them and trouble their wits, that they did leave out in the same last book, this verb substantive 'est;' and made the sense of Christ's words to be there Englished, 'Take, eat this my body,' and left out there, this 'is' my body; which thing being espied by others, and great fault found withall, then they were fain to patch up the matter, with a little piece of paper clapped over the foresaid words, wherein was written this verb substantive 'est.' The dealing herewith being so uncertain, both of the German writers and English; and one of them so much against another, your honours may be well assured, that this religion which by them is set forth, can be no constant, no stayed religion. And therefore of your honours not to be received, but great wisdom it were for your honours to refuse the same; until you shall perceive better agreement amongst the authors and setters forth of the same.—Touching the 3d and last rule of trial-making, and putting of difference between these religions, it is to be considered of your honours which of them both doth breed more obedient, humble and better subjects; 1st and chiefly unto our Saviour and Redeemer; 2nd, unto our sovereign lady the queen's highness, and to all other superiors. And for some trial and probation thereof, I shall desire your honours to consider the sudden mutation of the subjects of this realm, since the death of the good queen Mary; only caused in them by the preachers of this new religion: when in queen Mary's days, your honours do know right well how the people of this realm did live in an order; and would not run before laws, nor openly disobey the queen's proceedings and proclamations. There was no spoiling of churches, pulling down of altars, and most blasphemous treadings of sacraments under their feet, and hanging up the knave of clubs in the place thereof. There was no scotching nor cutting of the faces and legs of the crucifix and image of Christ; there was no open fleshcating, nor shambles keeping in the Lent and days prohibited. The subjects of this realm, and especially the nobility and such as were of the honourable council, did in queen Mary's days know the way unto churches and chapels, there to begin their days work, with calling for help and grace by humble prayers and serving of God. And now since the coming and reign of our most sovereign and dear lady queen Elizabeth, by the only preachers and scaffold-players of this new religion, all things are turned upside down; and notwithstanding the queen's proclamations most godly made to the contrary, and her virtuous example of living, sufficient to move the hearts of all obedient subjects to the due service and honour of God. But obedience is gone, humility and meekness clear abolished, virtuous chastity and strait living denied, as though they had never been heard of in this realm, all degrees and kinds being desirous of fleshly and carnal liberty; whereby the young springals and children are degenerate from their natural fathers, the servants contemptors of their masters commandments, the subjects disobedient unto God and all superior powers.—And therefore, honourable and my very good lords, of my part to minister some occasion unto your honours to expel, avoid and put out of this realm this new religion, whose fruits are already so manifestly known to be, as I have repeated; and to persuade your honours to avoid it, as much as in me lyeth, and to persevere and continue stedfastly in the same religion, whereof you are in possession, and have already made profession of the same unto God; I shall rehearse unto your honours 4 things, whereby the holy doctor st. Augustin was continued in the catholic church and religion of Christ, which he had received, and would by no means change, nor alter from the same. The 1st of these 4 things was, 'Ipsa authoritas ecclesiæ christi miraculis inchoata, spe nutrita, charitate aucta, vetustate firmata.' The 2d thing was, 'Populi christiani consensus et unitas.' The 3d was, 'Perpetua sacerdotum successio in sede petri.' The 4th was, 'Ipsum catholici nomen.' If these 4 things did cause so notable and learned a clerk as st. Augustin was, to continue in his professed religion of Christ without all change and alteration, how much then ought they to work the like effect in your hearts, and not to forsake your professed religion? 1st, because it hath the authority of Christ. 2d, because it hath the consent and agreement of christian people, 3d, because it hath the confirmation of all Peter's successors in the see apostolic. 4th, it hath, 'Ipsum catholicæ nomen,' and in all times and seasons called, 'The catholic religion of Christ.' Thus bold have I been to

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trouble your honours with so tedious and long an oration; for the discharging, as I said before, of my duty, 1st, unto God, 2d, unto our sovereign lady the queen's highness, 3d, unto your honours, and all other subjects of this realm; most humbly beseeching your honours to take it in good part, and to be spoken of me for the only causes abovesaid, and for none other."

The Bp. of *Chester* (dr. Scot) spoke as follows:—"This bill doth appear unto me such one, as that it is much to be lamented, that it should be suffered either to be read, yea or any ear to be given unto it of christian men, or so hon. an assembly as this is: for it doth not only call in question those things which we ought to reverence without any doubt moving; but maketh further earnest request for alterance, yea, for the clear abolishing of the same. And that this may more evidently appear, I shall desire your ldps. to consider, that our religion, as it was here of late discreetly, godly, and learnedly declared, doth consist partly in inward things, as in Faith, Hope and Charity; and partly in outward things, as in common prayers, and the holy sacraments uniformly ministered. Now as concerning these outward things, this bill doth clearly extinguish them, setting in their places I cannot tell what. And the inward it doth also so shake, that it leaveth them very bare and feeble. For 1st, by this bill christian charity is taken away, in that the unity of Christ's church is broken: for it is said, 'nunquam relinquunt unitatem, qui non prius amittunt charitatem.' And st. Paul saith, 'That charity is vinculum perfectionis,' the bond or chain of perfection, wherewith we be knit and joined together in one. Which bond being loosed, we must needs fall one from another, in divers parties and sects, as we see we do at this present. And as touching our Faith, it is evident that divers of the articles and mysteries thereof be also not only called into doubt, but partly openly and partly obscurely, and yet in very deed, as the other, flatly denied. Now these two, I mean faith and charity, being in this case, hope is either left alone, or else presumption set in her place; whereupon for the most part desperation doth follow; from the which I pray God preserve all men.—Wherefore these matters mentioned in this bill, wherein our whole religion consisteth, we ought, I say, to reverence, and not to call into question. For as a learned man writeth, 'To seek after the things which be manifestly opened, to call back or retract things made perfect, and to pull up again matters defined, what other thing is it, than not to give thanks for benefits received?' Likewise, saith holy Athanasius, 'It is a superfluous thing, to call into judgment again matters which have been tried, decreed and manifestly declared, by so many and such bishops. For no man will deny, but if they be now examined again, and of new judged, and after that examined again and again, this curiosity will never come to any end.' And as it is said in *ecclesiastica historia*, 'If it shall be lawful every day to call our faith in question, we shall never be certain of our faith.' Now if Athanasius did think, that no man ought to doubt of matters determined in the council of Nice, where there was present 318 bps.; how much less ought we to doubt of matters determined, and practised in the holy catholic church of Christ, by 300,000 bps. and how many more we cannot tell.—And as for the certainty of our faith, whereof the story of the church doth speak, it is a thing of all others most necessary; and if it shall hang upon an act of parl. we have but a weak staff to lean unto. And yet I shall desire your ldps. not to take me here as to speak in derogation of the parl. which I acknowledge to be of great strength in matters whereunto it extendeth. But for matters in religion, I do not think that it ought to be meddled withal, partly for the certainty which ought to be in our faith and religion, and the uncertainty of the statutes and acts of parl. For we see, that oftentimes that which is established by parl. one year, is abrogated the next, and the contrary allowed. And we see also that one king disalloweth the statutes made under the other. But our faith and religion ought to be most certain, and one in all times, and in no condition wavering: for as st. James saith, 'He that doubteth, or staggereth in his faith, is like the waves of the sea, and shall obtain nothing at the hands of God.' And partly for that the parl. consisteth for the most part of noblemen of this realm, and certain of the commons, being lay and temporal men; which, although they be both of good wisdom and learning, yet not so studied nor exercised in the scriptures, and the holy doctors and practices of the church, as to be competent judges in such matters. Neither doth it appertain to their vocation; yea, and that by your ldp.'s own judgment; as may well be gathered of one fact, which I remember was done this parl. time, which was this. There was a nobleman's son arrested and committed unto ward; which matter, being opened here unto your ldps. was thought to be an injury to this house; whereupon as well the young gent. as the officer that did arrest him, and the party by whose means he was arrested, were all sent for, and commanded to appear here before your ldps.; which was done accordingly. Yet before the parties were suffered to come into the house, it was thought expedient to have the whole matter considered, lest this house should intermeddle with matters not pertaining unto it. In treating whereof there was found 3 points; 1st, there was a debt, and that your ldps. did remit to the common law. The 2nd was a fraud, which was referred to the chancery, because neither of both did appertain unto this court. And the 3rd was the arrest, and committing to ward of the said gent. wherein this house took order. Now, if that by your ldps. own judgments the parl.

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hath not authority to meddle with matters of common law, which is grounded upon common reason; neither with the chancery, which is grounded upon considerance; then much less may it intermeddle with matters of faith and religion, far passing reason and the judgment of man, such as the contents of this bill be: wherein there be 3 things specially to be considered; the weightiness of the matter, the darkness of the cause and the difficulty in trying out the truth, and the danger and peril which doth ensue if we do take the wrong way.—As concerning the weightiness of the matter contained in this bill, it is very great; for it is no money-matter, but a matter of inheritance; yea, a matter touching life and death, and damnation dependeth upon it. Here is set before us, as the scripture saith, life and death, fire and water. If we put our hand into the one we shall live; if it take hold of the other we shall die. Now to judge these matters here propounded, and discern which is life and which is death, which is fire that will burn us, and which is water that will refresh and comfort us, is a great matter, and not easily perceived of every man. Moreover, there is another matter here to be considered, and that we do not unadvisedly condemn our forefathers and their doings, and justify ourselves and our own doings; both which the scripture forbiddeth. This we know, that this doctrine and form of religion, which this bill propoundeth to be abolished and taken away, is that which our forefathers were born, brought up and lived in; and have professed here in this realm, without any alteration or change, by the space of 900 years and more; and hath also been professed and practised in the universal church of Christ since the apostles time. And that which we go about to establish and place for it, is lately brought in, allowed no where, nor put in practice, but in this realm only; and that but a small time, and against the minds of all catholic men. Now, if we do but consider the antiquity of the one, and the newness of the other, we have just occasion to have the one in estimation for the long continuance thereof, unto such time as we see evident cause why we should revoke it: and to suspect the other as never heard of here before, unto such time as we see just cause why we should receive it, seeing that our fathers never heard tell of it.—But now I do call to remembrance, that I did hear yesterday a nobleman in this house say, making an answer unto this as it were by pre-occupation, that our fathers lived in blindness, and that we have just occasion to lament their ignorance; whereunto me thinketh it may be answered, that if our fathers were here and heard us lament their doings, it is very like they would say unto us, as our Saviour Christ said unto the women which followed him when he went to his death, and weeped after him, 'Nolite flere super nos, sed super vos;' i. e. 'Weep not over us for our blindness,' but weep over yourselves for your own presumption, in taking upon you so arrogantly to justify yourselves and your own doings, and so rashly condemning us and our doings. Moreover, David doth teach us a lesson clear contrary to this nobleman's sayings: for he biddeth us in doubtful matters go to our fathers, and learn the truth of them, in these words; Ask of thy father, and he shall declare the truth unto thee, and of thine ancestors and they will tell thee: And after in the same Psalm, 'The children which shall be born and rise up, shall tell unto their children, that it may be known from one generation to another.' David here willeth us to learn of our fathers, and not to contemn their doings. Whereof I conclude, as concerning this part, that this bill, containing in it matters of great weight and importance, it is to be deliberated on with great diligence and circumspection; and examined, tried and determined by men of great learning, virtue and experience.—And as this matter is great, and therefore not to be passed over hastily, but diligently to be examined, so is it dark and of great difficulty to be so plainly discussed, as that the truth may manifestly appear. For here be, as I have said, two books of religion propounded, the one to be abolished as erroneous and wicked, and the other to be established as godly and consonant to scripture; and they be both concerning one matter, that is, the true administration of the sacraments according to the institution of our Saviour Christ. In the which administration, there be 3 things to be considered: the first is the institution of our Saviour, for the matter and substance of the sacraments. The 2nd, the ordinances of the apostles, for the form of the sacraments. And the 3rd is the additions of the holy fathers, for the adorning and perfecting of the administration of the said sacraments. Which 3 be all duly, as we see observed; and that of necessity, in this book of the mass, and old service, as all men do know which understand it. The other book which is so much extolled, doth *ex professo* take away two of these 3 things, and in very deed maketh the 3rd thing of nought. But to let the ordinances of the apostles, and the additions of the fathers pass, let us come to the institution of our Saviour Christ, whereof they talk so much, and examine whether of those two books comes nearest unto it. And to make things plain, we will take for example the mass, or as they call it, the supper of the Lord; wherein our Saviour did institute 3 things, which he commanded to be done in remembrance of his death and passion unto his coming again, saying, 'Hoc facite,' &c. Do ye this: whereof the first is, the consecration of the blessed body and blood of our Saviour. The 2nd, the offering up the same unto God the Father. And the 3rd, the communicating, that is, the eating and drinking of the said blessed body and blood, under the forms of bread and wine. And as concerning the first two, st. Chrysostom saith thus, 'I will declare unto you in very deed a marvellous thing, but marvel not at it,

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nor be not troubled.' But what is this? It is the holy oblation; whether Peter or Paul, or a priest of any desert, do offer, it is the very same which Christ gave to his disciples, and which priests do make or consecrate at this time. This hath nothing less than that. Why so? Because men do not sanctify this, but Christ which did sanctify that before. For like as the words which Christ did speak, be the very same which the priests do now pronounce, so is it the very same oblation. These be the words of st. Chrysostom; wherein he testifieth, as well the oblation and sacrifice of the body and blood of our Saviour Christ, offered unto God the Father in the mass, as also the consecrating of the same by the priest: which two be both taken away by this book, as the authors thereof do willingly acknowledge; crying out of the offering of Christ oftener than once, notwithstanding that all the holy fathers do teach it; manifestly affirming Christ to be offered daily after an unbloody manner. But if these men did understand and consider what doth ensue and follow of this their affirmation, I think they would leave their rashness, and return to the truth again. For if it be true what they say, that there is no external sacrifice in the New Testament, then doth it follow, that there is no priesthood under the same, whose office is, saith st. Paul, 'To offer up gifts and sacrifices for sin.' And if there be no priesthood, then is there no religion under the New Testament. And if we have no religion, then be we without God in this world; for one of these doth necessarily depend upon another. So that if we grant one of these, we grant all; and if we take away one, we take away all.—Note, I beseech your Idps. the end of these men's doctrine, that is to set us without God. And the like opinion they hold touching the consecration; having nothing in their mouths but the holy communion, which, after the order of this book, is holy only in words, and not in deed. For the thing is not there which should make it holy, I mean the body and blood of Christ, as may thus appear: it may justly in very deed be called the holy communion if it be ministered truly, and accordingly as it ought to be; for then we receive Christ's holy body and blood into our bodies, and be joined in one with him, like two pieces of wax, which being melten and put together, be made one. But by the order of this book this is not done; for Christ's body is not there in very deed to be received. For the only way whereby it is present is by consecration, which this book hath not at all; neither doth it observe the form prescribed by Christ, nor follow the manner of the church. The evangelists declare, that our Saviour took bread into his hands, and did bless it, brake it, and gave it to his disciples, saying, 'Take, eat, this is my body which is given for you: do this in remembrance of me.' By these words, 'do this,' we be commanded to take bread into our hands, to bless it, break it, and having a respect to the bread, to pronounce the words spoken by our Saviour, that is, 'Hoc est corpus meum.' By which words, saith st. Chrysostom, the bread is consecrated. Now by the order of this book, neither doth the priest take the bread in his hands, bless it, nor break it, neither yet hath any regard or respect to the bread, when he rehearseth the words of Christ, but doth pass them over as they were telling a tale, or rehearsing a story. Moreover, whereas by the minds of good writers, there is required, yea, and that of necessity, a full mind and intent, to do that which Christ did, that is, to consecrate his body and blood, with other things following: wherefore the church hath appointed in the mass certain prayers, to be said by the priest before the consecration, in the which these words be, 'That the creatures may be made unto us the body and blood of our Saviour Jesus Christ. Here is declared the intent, as well of the church as also of the priest which saith mass: but as for this new book, there is no such thing mentioned in it, that doth either declare any such intent, either make any such request unto God, but rather to the contrary; as doth appear by the request there made in these words, 'That we receiving these thy creatures of bread and wine, &c.' which words declare, that they intend no consecration at all. And then let them glory as much as they will in their communion, it is to no purpose, seeing that the body of Christ is not there; which as I have said, is the thing that should be communicated.—There did yesterday a nobleman in this house say, that he did believe that Christ is there received in the communion set out in this book; and being asked if he did worship him there, he said, no, nor never would, so long as he lived. Which is a strange opinion, that Christ should be any where, and not worshipped. They say, they will worship him in heaven, but not in the sacrament: which is much like as if a man would say, that when the emperor sitteth under his cloth of estate, princely apparelled, he is to be honoured: but if he come abroad in a frize coat, he is not to be honoured; and yet he is all one emperor in cloth of gold under his cloth of estate, and in a frize coat abroad in the street. As it is one Christ in heaven in the form of man, and in the sacrament under the forms of bread and wine. The scripture doth command us to worship the body of our Saviour, yea, and that in the sacrament in these words, 'Worship his footstool for it is holy.' Upon the which place st. Augustin writeth thus, 'Christ took flesh of the blessed Virgin his mother, and in the same he did walk, and the same flesh he gave us to eat unto health; but no man will eat that flesh, except he worship it before. So is it found out, how we shall worship his footstool, &c. we shall not only not sin in worshipping, but we shall sin in not worshipping.' But as concerning this, if we would consider all things well, we shall see the provision of God marvellous in it. For he provideth so, that the very hereticks, and ene-



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mies of the truth, be compelled to confess the truth in this behalf. For the Lutherans writing against the Zuinglians do prove, that the true natural body of our Saviour Christ is in the sacrament. And the Zuinglians against the Lutherans do prove, that then it must needs be worshipped there. And thus in their contention doth the truth burst out, whether they will or no. Wherefore, in my opinion of these two errors, the fonder is to say, that Christ is in the sacrament, and yet not to be worshipped, than to say, he is not there at all. For either they do think, that either he is there but in an imagination or fancy, and so not in very deed; or else they be Nestorians, and think that there is his body only, and not his divinity; which be both devilish and wicked.—Now, my lords, consider I beseech you the matters here in variance: whether you be able to discuss them according to learning, so as the truth may appear, or no; that is, whether the body of Christ be by this new book consecrated, offered, adored, and truly communicated, or no; and whether these things be required necessarily by the institution of our Saviour Christ, or no; and whether book goeth nearer the truth. These matters, my lords, be (as I have said) weighty and dark, and not easy to be discussed: and thus likewise your ldps. may think of the rest of the sacraments, which be either clearly taken away, or else mangled after the same sort by this new book.—The third thing here to be considered is, the great danger and peril that doth hang over your heads, if you do take upon you to be judges in these matters, and judge wrong; bringing both yourselves and others from the truth unto untruth, from the highways unto bye-paths. It is dangerous enough, our lord knoweth, for a man himself to err, but it is more dangerous not only to err himself, but also to lead other men into error. It is said in the scripture, of the king Hieroboam, to aggravate his offences, that 'he did sin himself and caused Israel to sin.' Take heed, my lords, that the like be not said by you; if you pass this bill, you shall not only in my judgment err yourselves, but ye also shall be the authors and causers that the whole realm shall err after you. For the which you shall make an account before God. —Those that have read stories and know the discourse and order of the church, discussing of controversies in matters of religion, can testify, that they have been discussed and determined in all times by the clergy only, and never by the temporalty. The heresy of Arius, which troubled the church in the time of Constantine the Great, was condemned in the council of Nice. The heresy of Eutyches in the council of Chalcedone under Martin; the heresy of Macedonius in the first council of Constantinople in the time of Theodosius; the heresy of Nestorius in the Ephesin council, in the time of Theodosius the younger. And yet did never none of these good emperors assemble their nobility and commons, for the discussing and determining of these controversies; neither asked their minds in them, or went by number of voices or polls, to determine the truth, as is done here in this realm at this time. We may come lower, to the third council of Tolletane in Spain, in the time of Ricaredus being there, and to the council of France about 800 years ago, in the time of Carolus Magnus; which both following the order of the church, by licence had of the Pope, did procure the clergy of their realms to be gathered and assembled, for reforming of certain errors and enormities within their said realms, whereunto they never called their nobility nor commons; neither did any of them take upon themselves either to reason or dispute, in discussing of the controversies; neither to determine them being discussed, but left the whole to the discussing and determining of the clergy. And no marvel, if these with all other Catholic princes used this trade. For the emperors that were heretics, did never reserve any such matter to the judgment of temporal men, as may appear to them that read the stories of Constantius, Valens, &c. who procured divers assemblies, but always of the clergy, for the establishing of Arius's doctrine; and of Zeno the emperor, which did the like for Eutyches's doctrine; with many others of that sort. Yea, it doth appear in the Acts of the Apostles, that an infidel would take no such matter upon him. The story is this, st. Paul having continued at Corynth one year and an half in preaching of the gospel, certain wicked persons did arise against him, and brought him before their vice-consul called Gallio, laying unto his charge, that he taught the people to worship God contrary to their law. Unto whom the vice-consul answered thus: 'If that this man, saith Gallio, had committed any wicked act or cursed crime, O ye Jews, I might justly have heard you; but and if it be concerning questions and doubts of the words and matters of your law, that is to say, if it be touching your religion, I will not be judge in those matters. Mark, my lords, this short discourse, I beseech you, and ye shall perceive that all Catholic princes, heretic princes, yea, and infidels, have from time to time refused to take that upon them that your ldps. go about and challenge to do.—But now, because I have been long, I will make an end of this matter, with the saying of two noble emperors in the like affairs. The first is Theodosius, which said thus; 'It is not lawful for him that is not of the order of the holy bps. to intermeddle with the treating of ecclesiastical matters.' Likewise, said Valentinianus the emperor, being desired to assemble certain bps. together for examining of a matter of doctrine, in this wise; 'It is not lawful for me, being one of the lay people, to search out such matters curiously; but let the priests, unto whom the charge of these things doth appertain, meet together in what place soever they will:' he meaneth, for the discoursing thereof. But to conclude; and if these emperors had not to do with such mat-

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ters, how should your ldps. have to do with all? And thus desiring your good ldps. to consider, and take in good part these few things that I have spoken, I make an end."

*Pricilege of Parl.*] Feb. 21. "John Smith returned burgess for Camelford, upon a declaration by Mr. Marsh, that he had come to this house, being outlawed, and also had deceived divers merchants in London, taking wares of them to the sum of 300l. minding to defraud them of the same, under the colour of Privilege of this house; the examination whereof, committed to sir Jo. Mason, and other of this house, was found and reported to be true; and that a writ of Cap. Utlag. against him, was directed to the sheriffs of London, returnable 150 paschæ next, at the suit of Wm. Pinchebek and his wife, in a plea of detinue:—upon which matters, and consultation had in the house, the question was asked by Mr. Speaker, If he should have privilege of this house or not? And by the more number of voices, it seemed that he should not have privilege: but, upon the division of the house, the number that would have him not to have privilege was 107, and the number that would he should be privileged was 112; and therefore ordered, That he shall still continue a member of this house."

May 8th, the queen came to the house of lords, when Mr. Speaker, attended by the commons, made a learned oration, on exhibiting the bill for the Subsidy and the bill for Tonnage and Poundage. He also required the queen's assent to such other bills as had passed both the houses. Which oration being commended and answered by the lord keeper, the royal assent was given to 42 bills; and, by the queen's pleasure, this parl. was dissolved.—The titles of the public acts passed in this session will be found at the end of this reign.

*A Parl. called.*] It was not till the beginning of the year 1562 that a new parl. was summoned. A war with France being now actually begun, and the sinews of it much wanted, writs were issued for a new one, to meet at Westminster, on the 11th of Jan. On the day of their meeting the queen was again indisposed; and therefore another writ of prorogation was produced, by the lord keeper, and other lords of the council, and read, whereby this parl. was prorogued only to the following day. On which day the parl. began; and it may not be amiss to give the form of the queen's procession to the house. She rode that morning from her palace, in great state, to Westminster Abbey; accompanied with all the lords, spiritual and temporal. The queen was clad in a crimson velvet robe, the earl of Northumberland bearing the sword before her; all the heralds at arms, in their rich mantles, trumpets blowing, &c. The bishops, 22 in number, riding in their robes of scarlet lined, and hoods down their backs of minever.—The queen lighted at our Lady of Grace's chapel, and, with her noble and stately retinue, went in at the north door of the abbey, where she heard a sermon preached by dr. Nowell, dean of st. Paul's; and then a psalm being sung, she and her honourable company went out of the south door, to the parl. chamber, and soon after to the house.

*The Lord Keeper's Speech.*] Sir Symonds D'Ewes tells us, that the queen being present, and the houses met, the lord keeper, Bacon, by her command, opened the cause of the summons in these words. "My lords, and others of this honourable assembly; you shall understand, that my most dread and sovereign lady, the queen's majesty here present, hath commanded me to declare the occasion of this assembly; which I am not able (but unmeet) to do, as it ought to be done, among such a noble, wise, and discreet company. Howbeit, knowing the experience of her maj. bearing with such as do their good wills, and your honours' patience, in bearing with me in the like, afore this time; it encourageth me the better herein, not doubting of the like at this present. Therefore, my lords, the occasion is, that necessary matters be provided for, propounded, and scanned, and after agreed upon and ended, which afterwards shall remain and continue; which matters, in my judgment, may well be divided into 2 parts, one touching Religion, for the setting forth of God's honour and glory; and the other concerning Policy, for the Commonwealth; as well for provision at home, as to provide for the foreign enemy abroad; which said matters of Religion may again be divided into 2 parts; for God's cause being sincerely weighed, considered, and followed, bringeth forth good success in all affairs; and being not followed, but neglected, and made light of, how can any thing prosper or take good effect? And the greater the personages be which so abuse the same, the greater the fault is, to the damage of the whole commonwealth; for all mens' eyes be fixed on those who be in authority; for as the head is, even so is the foot; and after the superior followeth the inferior. For as God's law itself is perfect, so there is no imperfection therein, but that which cometh of ourselves, wherein I cannot excuse either the spiritualty or laity. For as the preachers be not so diligent in their vocation of preaching as they ought to be, even so we of the laity be neither so diligent in hearing, nor yet in doing, as we should be. And 3rd, some of the laity, in not giving credit unto it, as it ought for to be. For as all in authority ought to be credited, and their doings taken in the best part, yet I would wish the same should continue no longer than they do well.—And where at this present there is great want of ministers, and some of them that be, be much insufficient; which, considering the time, are to be borne withal, not doubting the circumspection of the bps. in well looking to the placing of such which shall be appointed hereafter; and those which be, and will not be reformed, to have sharp punishment. For as heretofore the discipline of the church hath

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not been good; and again, that the ministers thereof have been slothful; even so for want of the same hath sprung two enormities: the 1st is, that for lack thereof, every man liveth as he will, without fear; and 2nd, many ceremonies agreed upon, but the right ornaments thereof are either left undone or forgotten. As in one point, for want of discipline it is that so few come to service, and the church so unreplenished, notwithstanding that at the last parl. a law was made for good order to be observed in the same; but yet, as appeareth, not yet executed. Therefore if it be too easy, let it be made sharper; and if already well, then see it executed. For the want of discipline causeth obstinacy, contempt, and growing of heresy; therefore better to be winked at and unspoken, than bruted abroad and unperformed: therefore, in mine opinion, the device is good, that in every diocese there be officers appointed and devised, as hath been thought good, to sit for the redress of these and such like errors, twice or thrice a year, till the faults be amended. In which well doing, the head officers are to be borne withal, and maintained; and laws to be made for the purpose: the chief care of which said former matters pertaineth to you, my lords of the spiritualty; wherein you must take pains to travel, whereunto be laws to be joined; not only for the more perfecting of the same, but for the maintenance, as well of the heads as the ministers thereof.—Now to the 2nd part, of Policy for the Commonwealth; for as there be faults for want of discipline, so are there faults in the imperfection, and want of execution, which imperfection must be looked unto; and want of laws which needeth to be provided for and made; and to consider, if there be not too many laws for one thing; and those so large and busy, that neither the commons can understand the same, nor yet well the lawyer, which would be brought into some briefer and better order, and there executed. For which purpose, it is necessary to take care to have good ministers thereof; and 2nd, to banish all fearfulness for prosecuting the same; and over and besides, that to appoint proved men to inquire of these ministers, whereby they may have the better regard to their duty: for, even as the visitation of the church is and was well appointed for the church, so now is the like to be appointed for the temporalty. For if the laws be not well executed, my part is not the least thereof, which yearly I would be glad to hear of. The third for the enemy, as well here bred amongst us, as abroad: for whereas the queen's maj. at her entrance found this realm in war with foreign power, at which time lack of treasure, artillery, force, and other things, caused her to agree to a peace, although not the best, howbeit for our surety she spared no cost to bring it to pass; which notwithstanding, of later time, certain old cankered enemies of this realm, attempted to put in execution to bring the Scots to the governance of France, and so being a firm land to ours, to have been our utter enemies; which danger the queen foreseeing, sought by all means, as well by her ambassadors as others, to stay the enterprize, but could not; and therefore helped her neighbours of Scotland, and so disappointed that attempt; or else afore this time I doubt the Scottish territories would have been too little to have holden them, but that they would have troubled us, not only at Berwick, but at the walls of York; which attempt, being by the means of her maj. stayed and letted, the said bent enemies have attempted the same in France, to the whole disturbance of all Christendom, and all done for the mischief of this realm, joined with a devilish conspiracy within ourselves, tending to the aiding of the foreign enemy; and by their own confession, to have raised a rebellion in this realm: and for that by none of her grace's travels or means, she could there stay their enterprize, or make them agree, she was forced the rather to stay the same, for the surety of this realm, to the no little charge of her maj.: for in these proceedings, and in repairing of these and other like faults, I dare be bold to say, (for that I am thereof assured) it hath cost her maj. as much as two of the best subsidies, which at any time hath been within this realm: and all at her own proper charges, without either straining of her subjects, or having aid of them, towards the same. Howbeit she yet thinketh it well spent; for often it chanceth, that money is better spent than spared; as the common saying is, 'that a penny is well spent which afterwards saveth a pound.' And so in this, if that money had not been so spent, in staying in time their attempted enterprises, it would afterwards have turned to no little prejudice, nor yet small charge of this realm. And where afore this time princes commonly have had some vein or delight to spend treasure upon for their pleasure, which the queen hath none, but only for the commonwealth and surety thereof; so that we may most justly and fortunately say to her great praise, that the relieving of the realm's necessities is our prince's whole delight: and notwithstanding all the disbursements of these her great charges, yet she was (as I right well know) very hardly brought to, and persuaded to call this parl. in which she should be driven to require any aid, or by any means to charge her subjects, if by any other means it might have been holpen; and so her maj. herself commanded to be declared. And I for my part, and so do others very well know; for the commons little think or consider what a trouble want is to her, whereby she is forced to ask of them, (which surely is against her nature) but that she is thereunto forced, for the surety of this realm.—And for that the nether house cannot, being so many together, but of necessity must have one to be a mouth, aider or instructor unto them, for the opening of matters, which is called the Speaker; therefore go and assemble yourselves together and elect one, a discreet, wise, and learned man, to be

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your Speaker, and on Friday next the queen's maj. appointeth to repair hither again, for to receive the presentment of him accordingly."

*The Speaker's Speech.*] Jan. 15th, the commons came again before the queen, and presented Tho. Williams, esq. one of the fellows of the Inner Temple, their Speaker elect; whose excuse for insufficiency not being allowed, he made the following elaborate speech on his induction: "Most honourable; although afore this time the place hath been furnished with orators, and therefore their matter entreated of worthily called an oration; yet I now, void of any such knowledge, require that name may be left, and that it might bear the name of an epistle with a request. And for the better understanding thereof, I will divide the matter into 3 parts; one for time past; and the 2nd, time present; and the 3rd, time to come. But fearing to fall between two mountains, as to be counted either ungrate, or dissembling, I know not what to say; but yet seeing savage beasts forget not them who do well unto them, as appeareth by the story of a lion, out of whose foot a certain man took a thorn, which said person being afterwards cast to the same lion to be devoured, the lion not forgetting, but remembering the former kindness shewed unto him, would not devour him, but ever after followed the same man; even so, without too much ingratitude, can I not let pass your maj.'s manifold benefits extended upon us; which although worthily to be declared, they pass my capacity now to express; yet think it blasphemy to suffer it clean to be untouched, and therefore in some part will put in remembrance the same; which I will divide into 2 parts, the one spiritual the other temporal. For the 1st, when God planted your highness in this place, you found it not so furnished with treasure as other your predecessors have, although if you had, yet occasions enough to employ it; which notwithstanding, you did not take the extremity of penal statutes, and other forfeitures, due unto you, but pardoned all such as in time convenient required it. Also your maj. did vouchsafe to take upon you the charge of both the states, as well spiritual as temporal, and so purged this church of all ill service, and placed therein service to God's honour. Further, what great plague and dearth happened by ill money this 20 years last past, which within one year is brought to good again, with little loss of your subjects? Your maj. prevented also, as well the attempt in Scotland, made by your common enemy there, as now of late again in France; which otherwise, if it had not been foreseen, would have turned to the no little peril, and loss of this your realm, and subjects thereof. Also your highness hath been author of good laws, as appeareth by those made, both of the last parl. and by your other proclamations since. Further, finding this realm at your entrance in wars, you brought it in peace: all which former proceedings have been a great charge unto your maj. which although the revenues of the crown be small, yet hath it hitherto only been done of your own charge, as the last day by the lord keeper it was declared. And for the last part, and principal point of all other, your highness hath brought and restored again God's doctrine into this realm; for which your humble subjects most heartily give thanks to God, and you, by the mouth of me their appointed Speaker.—For the 2d point, being time present; your maj. is the head, and the body the spiritualty and the temporalty, which body is to be divided into 3 estates, the lords spiritual, the lords temporal, and the commons, whose mouth I am; which by no means can prosper, the one without the other; for as any estate divided cannot well continue, so in this; and therefore say, 'nosce teipsum,' not minding to speak these words only to you, but to the whole body; for although the head may lack a member of the body, and yet continue; yet so the member cannot want the head, nor yet the head the whole body, but the want of the one of these last two shall be the ruin of the other; and therefore of necessity, for the sure preservation of the whole, it behoveth them firmly to join together; for though your highness be the head, and therefore the chief care pertaineth to you, yet your maj. cannot thoroughly redress the same, without knowledge of the faults, nor yet well understand the whole state, except the other parts of the body join with you, and put to their helping hands. I find in divers histories great commodities grow to princes, by searching out, not only the wants of their subjects, but knowledge of their talk; whereby they better both understand their own faults, and the flatterers they have about them; which order the wise and prudent Marcus Aurelius used, and long time reigned honourably. The noble conqueror Alexander, in the beginning of his reign, used the same; but leaving that order, and having no regard to his living, was destroyed; which like example was seen by that notable and valiant warrior Julius Cæsar. And being encouraged by these like examples, and others, to enter into some abuses used in this realm, I will only speak of 3, being all 3 notable monsters, necessity, ignorance, and error. Necessity is grown amongst ourselves, so that no man is contented with his degree, though he hath never so much; but where she is (as the Proverb saith) she hath no law; for how now be all schools, benefices, and other like rooms furnished, and yet those for schools so few, that I dare say a hundred schools want in England, which, before this time have been. And if in every school there had been but an hundred scholars, yet that had been ten thousand; so that now I doubt whether there be so many learned men in England, as the number wants of these scholars.—The 2d monster is her daughter ignorance; for want of ten thousand scholars, which these schools were the bringers up of, and want of good school-masters, bringeth ignorance; but the occasion of these

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two monsters, is for want of livings and preferments; for covetousness hath gotten the livings, as by impropriations, which is a decay of learning. For by it the tree of knowledge groweth downwards, and not upwards, as it was first meant and made for; and groweth thereby greatly to the dishonour both of God and this commonwealth. The universities are decayed, and great market towns, and others, without either school or preacher; for the poor vicar hath but only 20l. and the rest, being no small sum, is impropriate; and so thereby no preacher there, but the people being trained up and led in blindness, for want of instructions, become obstinate. And therefore to see to it, and that impropriations may be redressed, notwithstanding the laws already made.—The 3d monster is error, a serpent with many heads, many evil opinions, and much evil life, as pelagians, libertines, papists, and such others, leaving God's commandments, to follow their own traditions, affections and minds. But if the Papist be, as indeed he is, in error, let us seek the redress thereof; for that the poor and ignorant be thereby abused. Until which redress be had, you nor your realm, neither at home nor abroad, shall ever be well served of such people, which be so divided; and therefore speedily look to it, and weed out this wickedness and error within these our days, which is too much known now a-days; for if your godly proclamations were not so soon forgotten, they would be amended. In the country I heard tell, but since I came hither, walking in the streets, I have heard oftentimes more oaths than words; a pitiful hearing! for if the Egyptians, by whose laws the people lost their hands, and amongst the barbarians lost their lives, for swearing, and especially if it were a lie: if it were so punished amongst them, being infidels, what shall there be no punishment amongst us being christians? Is truth further from us professing the name of Christ, and being christians, than from them being infidels? But even as Tantalus was plagued, so are we; for although he had apples even hanging at his mouth, yet could he not eat any of them; and having a river of water even as it were running by his lips, yet could he not drink, but died for hunger and thirst: even so are we plagued: for having God's word, and his name ever in our mouths, yet we live as infidels, or as them that are furthest from the same; and so having enough, there is scarcity. And that we may avoid this blasphemy, and the other monsters, your humble subjects desire your highness to see to the lamentable estate of this commonwealth, and the redress of the same. —Having perused times past and times present, let us go to, and well remember the time to come. For Cato saith, 'a thing well begun shall be well ended;' so then followeth of a good beginning a good ending. For that noble captain Hanibal, environed with his enemies, in a strange country, sounded his trumpet to council, and thereby prospered. So your maj. hath now called the prelates, nobles, and commons, to council, for surety of the realm. We now so therefore assembled, as diligent in our calling, have thought good to move your maj. with the assent of this assembly, to build a strong fort for the surety of the realm, to the repulsing of your enemies abroad; which must be set upon firm ground, and stedfast, having two gates, one commonly open, the other as a postern, with two watchmen at either of them, one governor, one lieutenant, four soldiers, and no good thing there wanting. The same to be named, the fear of God; the governor thereof to be God, your majesty the lieutenant, the stones the hearts of faithful people, the two watchmen at the open gate to be called knowledge and virtue, the other two at the postern to be called mercy and truth; all being spiritual ministers.—This fort is invincible, if every man will fear God; for all governors reign and govern by the two watchmen, knowledge and virtue; and if you, being the lieutenant, see justice with prudence her sister executed, you shall then rightly use the office of a lieutenant; and for such as depart out of this fort, let them be let out at the postern by the two watchmen, mercy and truth; and then you shall be well at home and abroad. The charge of this fort is yours, being lieutenant. By justice your place is settled, whereunto obedience ought to be taught and done; which your majesty ought to look to. And so now the fear of God to be a sure fort, the subjects' hearts the stones, knowledge, virtue, mercy, and truth, the four watchmen, God the governor, and your majesty the lieutenant, is well proved. Therefore to build upon this fort, the fear of God, is nothing lacking to a happy life; for by God are all princes appointed. Who put down Saul? Who made David king, who sought only God's glory and so prospered? As did Josaphat, Josias, and Hezechias, and also Ahas, as long as they sought God's glory, prospered; but forgetting God, were overthrown: therefore first of all, and continually vouchsafe to seek God's glory, and his true honour, and then you shall have this fort well built, and by you well governed.—Further I am to be a suitor to your majesty, that when matters of importance shall arise, whereupon it shall be necessary to have your highness's opinion, that then I may have free access unto you for the same; and the like to the lords of the upper house:—2ndly. That in repairing from the nether house to your maj. or the Lords, to declare their meanings, and I mistaking on uttering the same contrary to their meaning, that then my fault or imbecility in declaring thereof be not prejudicial to the house, but that I may again repair to them, the better to understand their meanings, and so they to reform the same.—3rd. That the assembly of the lower house may have frank and free libertics to speak their minds, without any controulment, blame, grudge, menaces, or displeasure, according to

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the old ancient order.—Finally, That the old privilege of the house be observed, which is, that they and theirs might be at liberty, frank, and free, without arrest, molestation, trouble, or other damage to their bodies, lands, goods, or servants, with all other their liberties, during the time of the said parliament; whereby they may the better attend, and do their duty; all which privileges I desire may be enrolled, as at other times it hath been accustomed.—And thus having been tedious unto you with my speech, void of eloquence, I crave your pardon, and desire your maj. to accept of my heart and good will, as well at this time as after; and I will pray as I am bounden, for your honour long to reign over us."

It was now that the oath of Supremacy was first taken by all the members of both houses; pursuant to an act of parl. made in the 1st year of this reign.

*Privilege of Parl.*] Feb. 6, the Commons Journals say, "Sir H. Jones complains all his servants to be imprisoned, and prays Privilege; but after long arguments for the privilege, commission was given to Mr. Sackvill, and others, to examine and certify of the matter. On the 8th, Mr. Sydney declared upon examination, the fray to seem to be begun by sir H. Jones's servants.—On the 12th a bill is brought in against sir H. Jones's servants for the fray and riot; and the same day the committees do certify to the house, that Mr. Jones's men may be committed to the serjeant, and that he attend Mr. Recorder and Mr. Gargrave with the prisoners, before the lord chief justice, to enter with sureties in bond of 500l. to appear, personally in the queen's bench, in Trinity term next to answer to such things as shall then be objected to them on the queen's behalf, and so set at liberty."

*A Supply granted.*] Feb. 20th, a bill for granting a Supply was sent up by the Commons. It consisted of a Subsidy, two 15ths and two 10ths; which passed the Lords on the 23d. This grant was the same as the former, except that the tax upon goods was from 3l. when the former was from 5l. Camden writes, that this large supply was granted as a compliment to the queen, on the happy turn of affairs at that time. "In consideration of her having reformed the faith; restored peace to her kingdoms; rescued England and Scotland from the common enemy; refined the coin; rebuilt the navy; provided ammunition for sea and land; and in a word, for the extraordinary care she used in France, for the security of its young king, for the safety of this kingdom, and her endeavours to regain Calais." We find, by the Journal, that the two provinces of Canterbury and York granted each a Subsidy, this time, which were confirmed by parl.

*Act of Supremacy.*] March 3d, a bill passed the lords, with some provisoes added thereto, by them, "For the Assurance of the Queen's Majesty's Royal Power, over all states and subjects, within her dominions." By this act, "it was high treason for any man to assert three times, by writing, word or deed, the authority of any foreign prince, prelate or state, in spiritual matters in England, or any other of the queen's dominions. Or to refuse the oath of Supremacy to the queen, in matters spiritual, or over persons ecclesiastical, after it had been twice tendered. Yet so, as that they should not fall under an attainder, nor forfeit their goods and chattels; nor that this oath should be exacted from any peer of the realm, or any person of eminent quality, whose allegiance the queen did not in the least question; nor, indeed, of any but such who were, had been, or should be, in holy orders; or did then bear, or should bear, some ecclesiastical office. Or that, after warning given, should refuse to observe the rights and ceremonies of the church of England; or should dishonour the same in public, either by word or deed; or should celebrate or hear mass, &c."—To the passing of this bill there was only some small opposition; the catholic bps. being now removed, but one lay-lord in the house, had the courage to speak against it. This was lord visc. Montague. In the Commons, one Mr. Atkinson, a student of the Inner-Temple, expressed the same zeal for the catholic cause. Their speeches are published in Mr. Strype's Annals, &c. from the M.S. of the famous martyrologist, Foxe; and are deserving of a place in this History.

Lord *Montague* spoke as follows:—"The prince or commonwealth that will make a new law, ought to consider 3 things: 1st. That the same law be necessary: 2nd, that it be just and reasonable; 3rd, that it be possible and commodious, apt and fit to be put in execution. Unto these 3 qualities may be reduced all other that are requisite, to the end the law should be good. Now, it is to be seen, if these 3 qualities be in the law, that certain do pretend, and would have to be made in this parl. against the papists, as they call them. For the which presuppose, that my intent is not to persuade that the religion which now is observed in England is either false or schismatical; but to entreat only, if it be good, that a law be made, whereby it shall be commanded, under pain of death, that the papists, with oath, confess the doctrine of the protestants to be true and evangelical. As for the 1st, I say, That this law that is pretended is not necessary; forasmuch as the catholics of this realm disturb not, nor hinder the public affairs of the realm, neither spiritual nor temporal. They dispute not, they preach not, they disobey not the queen, they cause no trouble nor tumults among the people. So that no man can say, that thereby the realm doth receive any hurt or damage by them. They have brought into the realm no novelties in doctrine and religion. This being true and evident, as it is indeed, there is no necessity why any new law should be made against them. And where there is no sore nor grief, medicines are superfluous, and also hurtful and dangerous. As concerning the 2d, I say, That

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this law that is pretended, is neither just nor reasonable, nor cannot be, nor deserveth to be called, or have the name of law, when it is made. For it shall be contrary and repugnant unto all laws of men, natural and civil. I meddle not with God's laws; for I have above said, that in this discourse I do not pretend to entreat of the verity and truth of religion. But leaving that till time fit and convenient, I do entreat, whether it be just to make this penal statute to force the subjects of this realm to receive and believe the religion of the protestants, upon pain of death. This, I say, is a thing most unjust. For that it is repugnant to the law of nature and all civil laws. The reason is, for that naturally no man can, or ought to be constrained, to take for certain that that he holdeth to be uncertain. For this repugneth to the natural liberty of man's understanding. For understanding may be persuaded, but not forced.—The doctrine of the Protestants doth repugn unto all the ecclesiastical state of England that were present at the last parl. and holdeth contradiction with all provinces of Christendom. It repugneth to all the doctrine of all the parliaments past, and all general councils. With these contradictions there is no Protestant, if he be a man of any understanding or judgment, but will confess that it is doubtful and uncertain; seeing that of those things that appear not to our senses, there ariseth no doubt nor uncertainty, but of the opinions of men. And if he will say 'tis the Catholic doctrine; therefore the question is, How this word can be understood? which is the work of understanding, and is reduced and brought to opinions. And when there be many opinions of the one side and the other, it is reason, that the thing be doubtful, 'till all opinions come to one: and that there be one faith, one God, and one Trinity.—Now, to turn to my purpose, I say, That since the doctrine of Protestants is so uncertain, (leaving to call it false, there no reason nor justice, that doth permit or suffer, that men should be forced to take it for certain, true and sure, and affirm the same. It is sufficient, and enough for Protestants to keep possession of the churches, and the authority to preach and excommunicate, not to seek to force and strain men to do or believe by compulsion what they believe not; and not to swear, and to make God witness of their lie. It is enough for them, and they might hold themselves content, that there is no impediment or let made by the Catholics, but that they may persuade the people so much as they list, and teach and preach their doctrine.—As touching the 3rd, that is, Whether this statute should be possible, meet and convenient, to be put in execution: I say, that on what is said in the 2nd chapter of Justice, dependeth and is contained the understanding of this 3rd, touching the commodity and possibility. For it is an easy thing to understand, that a thing so unjustly, and so contrary to all reason and liberty of man, cannot be put in execution, but with great incommodity and difficulty. For what man is there so without courage and stomach, or void of all honour, that can consent or agree to receive an opinion and new religion by force and compulsion; or will swear, that he thinketh the contrary to that he thinketh. To be still and dissemble may be born and suffered for a time; to keep his reckoning with God alone; but to be compelled to lie and to swear, or else to die therefore, are things that no man ought to suffer and endure. And it is to be feared, rather than to die, they will seek how to defend themselves: whereby should ensue the contrary of what every good prince and well-advised commonwealth ought to seek and pretend, that is, to keep their kingdom and govt. in peace.—So that this law and statute that is pretended, since it is not necessary for men, without they leave quietness and peace; nor just and reasonable, seeing it forceth men to hold for certain and true, that they should hold for doubtful and false; and being incommodious and impossible to be put in execution, for the alterations that may ensue of great injustice; I conclude, that by no means any such law ought to be made and enacted.—And because some said, This need not be feared, nor ought any thing to be a stop; because the greater part of the assembly of the lords and the higher house, was of the mind and opinion, that the law ought to be made, including in the same assembly the bps. that are 25; I answer, That they neither can, nor ought to have to do in this matter, because they are as party, and therefore cannot be judges. And that they have party, and have interest in this matter, it cannot be denied; since, 'ipso facto,' they have dispossessed the Catholic bps. of their churches, under this occasion and colour, to bring into the realm better doctrine. Besides all this, neither the law nor the gospel, nor other civil law doth suffer ecclesiastical persons, to have more than the judgment and examination of the doctrine and excommunications. And, according to this, it belongeth not to the bps. but only to declare and pronounce the doctrine, of the Papists, to be false, as they have done; and to excommunicate such as follow the same. To appoint afterward the temporal penalties of confiscation, banishment or death; this appertaineth not to them, but to the secular judge, who, according to the necessity of the commonwealth, for peace and quietness of the same, may execute and proceed against some excommunicate persons with more or less rigour after, as he shall think good.—It shall be also very just, reasonable and convenient for the service of the queen, that the lords of the realm alone, without the bps. do consider, if it be meet and convenient for the wealth of the realm, to make this statute and law so rigorous; or whether that that is made already be sufficient; or whether it be meet and convenient (to take away all inconveniences and damages that may arise to those diversities and novelties in re-

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ligion) to command the bps. all, as well papistical as protestants, to find the means to try the matter (afore disputed here) within the realm, or in the general council. The which seemeth should be much more easy, more sure, and more convenient.—And, furthermore, since it belongeth to the said lords, not to endanger their lives and goods, if any war should happen within the realm, or with their neighbours; let them therefore take good heed, and not suffer themselves to be led by such men that are full of affection and passions, and that look to wax mighty, and of power, by the confiscation, spoil and ruin of the houses of noble and ancient men."

To this speech we shall subjoin another, made in the House of Commons, against the said bill, on the 10th of March.

Mr. *Atkinson* rose and said: "Right honourable; you have heard the effect of this bill, containing in itself, that all those that shall by any open act maintain any foreign jurisdiction, or shall refuse the oath, which is likewise for the abolishing of all foreign power; that such offenders shall, for the first offence, incur the danger of præmunire; and if they eftsones refuse again, then to be judged as in case of high treason. Whether any foreign power be lawful to be received within this realm, or whether in conscience a man ought to take this oath, that matter I purpose not now to dispute; for that is already put out of question by consent of the whole realm, in high court of parl. in the 1st year of the reign of our sovereign lady that now is; against which it shall not become me to reason. But, marrie, whether an offence committed against that statute be so sharply to be punished as this bill here requireth, that is the question that we now have in hand. Wherein I think that the punishment already devised is sufficient; that the punishment limited in this bill is too rigorous; and that though this act went forward, yet no benefit could thereof grow to the commonwealth.—If the offence were treason, as it was said this other day, in the house, that it was; and that the offenders therein were traitors even by the common laws of the realm, as men that sought to take the crown from the king, and give it to the pope, then would I think no punishment too little for it; and pity it were, that even for the first offence it was not made death. Howbeit, if it may be proved unto you, that the maintenance of foreign jurisdiction was not by the laws ever accounted treason; then I trust there will no good man think, but that the offence being not so great, the punishment ought not to be so great neither. I would agree, that the ancient writers of the law, as both Bracton and Briton have, in their writings called the king "God's vicar in earth;" and so I assent to that which Skipwith saith, "that there is the deanery of Pickering in Ireland, belonging to the abp. of Deviling, and that it is of this condition, that if an Englishman be made abp. that then he shall have the deanery as his free chapel; and if an Irishman, then the king. His reason is, "because the sacred maj. of a king, anointed with holy oil, hath capacity of spiritual jurisdiction." I likewise agree to the saying of Bryan, where he saith, "that a great doctor of law once told him, that a priest, by prescription, might be impleaded in the king's temporal court, because the person of a king is mixt of priesthood and laity."—Of all which we may gather, that by the common laws the king may have the temporal profits of a spiritual promotion, and also implead a spiritual person in his temporal court. All which, notwithstanding, I am sure no authority can be shewed to prove, that the affirming, that the pope ought to have jurisdiction in these or other like matters, or that the jurisdiction of them ought to appertain to the king, was never yet accounted treason.—And therefore suppose that the king had brought a 'quare impedit' against a spiritual person (which is a plea merely temporal, determinable in the temporal court) and that the spiritual person had thought to appeal to Rome in stay of the judgment; had this been treason? Nay, surely, though without some open act shewing the same, it was never yet taken to be treason; nor was it ever yet seen, that a man in such a case was bound to discover his conscience upon his oath. But to go further, suppose he had expressly said before witness, that he would appeal to Rome; nay, suppose he had appealed to Rome indeed; had this been treason? Nay, it was never yet but præmunire; and not præmunire neither, till the statute of the 27th of Edw. III. made it so. But was this an offence against the king's crown and dignity? But so are many offences that are not treason; and are not, as he said, 'crimina læsæ majestatis,' but 'crimina minutæ majestatis.'—If, then, to affirm, that the pope ought to have jurisdiction in a temporal matter were not treason; much less were it treason to affirm the same in spiritual matters: as to say, that the consecration of abps. belonged to him, or that the order of service and sacraments ought to be directed by the see apostolic. What the judges have said in our law in the behalf of the pope, that spare I here for duty's sake to speak of. I am sure it was more than I have hitherto said: and yet were they, I believe, as skilful in knowing what treason was, and as loth to offend therein, as was the gent. that went about with so many reasons to prove it treason; nor I doubt not, but even at those times when princes suffered this offence to remain unpunished, and when the subjects offended in it, that yet they had as great a care to maintain the royal dignity of the crown; and were otherwise as void of traiterous hearts as those that think themselves best subjects. And therefore we read, that in the time of Edw. I. the pope willed the king to take peace with Scotland, and he made him answer, "that touching his temporalities, he knew no peer in his



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realm." And the like letters were sent in the time of Hen. VI. and Humfrey, then duke of Gloucester, hurled them in the fire. And whosoever readeth the statute of præmunire, made in the 16th of Rich. II. shall find that all the lords, both spiritual and temporal, said, "that they would stick with the king in the maintenance of his crown and dignity." And they were therefore severally examined, to the intent that their opinion might be known. If then it hath been proved, that that offence hath not been treason, nor that the offenders therein have not otherwise borne traiterous hearts; I trust, that the offence being not so great, you will not without cause go about to increase the punishment.—Let us therefore never go about to aggrieve the matter, or make it worse than it is; but let us consider it in such sort as it is indeed; that is, an offence in religion, and an offence against the statute made in the 1st of the queen's maj. And then, whether such an offence be to be punished by death, either for the preservation of the common peace, or else by the express laws of God, that matter falleth further in consultation.—As for the scripture, I must confess myself ignorant in them, as the thing that is not my profession, nor in which I have been exercised: yet thus much have I heard the preachers say, that are now, that though, in the old law, idolatry was punished with death, yet since the coming of Christ (who came to win the world by peace, and bade "put up the sword") the greatest punishment that hath been taught by the apostles in case of religion, hath been by excommunication. For religion, they say, must sink in by persuasion; it cannot be pressed in by violence. And therefore they called the act of the Six Articles, that was made the 31st of Henry VIII. "the whip with the six lashes." And as for the dealings in queen Mary's days, they much misliked them; calling the bps. blood-suckers, and bade 'Fie on these tormentors, that delighted in nothing else but in the death of innocents; that threatened the whole realm with their fire and faggots; murtherers; that they were worse than Caiaphas, worse than Judas, worse than the traitors that put Christ to death.' And that with such vehemency and stomach, as I assure you I marvel, how it can possibly come to pass, that they should now desire to establish that as a law, which they thought then so far unlawful.—And indeed many a solemn clerk and holy father hath there been in the church, that have much misliked that cruel handling; and have wished rather the opinions of the men to be taken away than the men themselves; and would have them convinced 'magis verbo quam vi,' i. e. rather by the word than by the sword. Howbeit, what was the cause, why in all christian realms offenders in religion were punished by death: and further, how far the punishment that is here devised, exceedeth that in rigour and cruelty: and lastly, how offenders in this case of religion ought not to be punished by the one, nor by the other; that matter shall I make so plain and so evident unto you, that I trust no charitable man will consent to the passing of this bill.—1st. As for Excommunication, that was thought so easy a punishment, that it was the thing that they gladly would have wished for. For what could please them better that had already forsaken the true faith, than to be punished from the company of all those that believe otherwise than themselves? Therefore was fining and ransoming devised against the Manichees. But that would not serve; for either had they nothing to lose, or else were willing to lose that they had. Then was it further devised and enacted, that they should be imprisoned. But imprisonment would not help neither. For the number of them was such as the prisons could not hold them; and the keepers many times were corrupted. Then was banishment devised; but that was worst of all other. For then would they, by their letters, openly defame those by whom, for their naughtiness they had received any damage. And further, not keeping their conscience to themselves, ceased not by preaching in woods and cellars, by dealing in huggermugger seditious books of their own making, keeping of midnight-lectures, making of interludes and ballads, to allure other silly souls to their naughtiness; so far forth that if better remedy had not been provided, this canker would have crept over the whole body of Christendom. Nor were they so contented neither, but fell to open violence, as robbing and spoiling of churches, and taking other mens goods from them. Insomuch that the stories of the church make mention, That when the Macedonians and the Catholics should come before the deputy of Philippus, for hearing of their controversy; and that the throng was great, the Macedonians fell in hand with them, and said, that by the number of them it should seem rather that they came to fight with them than to dispute; and therewith drew their weapons upon them, and slew them to the number of 3000. For which violence of theirs, it was ordained, by consent through Christendom, that violence should be offered them again. And their offence for common quietness sake, and for the peace of the church, punished in this sort: that is to say, that if it were by open witness proved, that any had offended, that yet he might abjure for the first offence, if he would; and upon penance and repentance made, be received into the church again. But if he eftsones fell in relapse, then he should be left to the secular hands.—Which punishment, as it was, was yet much more easy, than that which is here devised. For there you see, unless he had been convinced by witness for some open fact done, he was without danger of the law. But here, though he intended to live under a law, and keep his conscience to himself, yet will we grope him, and see what secretly lieth in his breast: and to the intent he shall not dally with us, we offer him an oath, which,

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many a man shall take that understandeth not what it meaneth. There you see the first offence was not punished; but he had leisure to bethink him and mend. But here the very first offence is punished; and by what punishment? Forsooth, by judgment of premunire, which is loss of lands and goods, his body in prison at the queen's will and pleasure; and yet he is in no great surety of his life neither. For if any man, upon displeasure, should kill him, his friends might well lament his death, but they could not punish it. For a man attainted in premunire, is perdie out of the protection of the king, and of the laws. Yea, and besides all this, not a man dare give him his alms, lest he should be an aider and maintainer within the compass of this statute.—Therefore, methinks, the law was a great deal better, and surely much more profitable for the commonwealth, that was made in the 1st of the queen's maj. For there we see the first offence is not so grievously punished. And if every ecclesiastical person, every judge and other officer, every one that is of the queen's fee, every man that shall sue livery, all scholars that are in the university, be sworn, (as they must be by the same statute) what mischief can there be wrought, but it shall be espied and quenched? Is it not, think you, an easier way to win men (for win them we must, if we shall do well) to leave a gap for him open to promotion, if he embrace these proceedings, than if he refuse them, to take that he hath from him? Is it not a sufficient punishment for him, that no man shall, by his wit and learning, so long as he continueth that opinion, bear any office, or have any countenance in this commonwealth? What better proof can you have of the goodness of the law, that you see, since that time, no great breach of the law; no seditious congregations, no tumult, but the common peace well kept, and every man liveth under a law without disturbance of the queen's proceedings? So that that punishment being sufficient, it is in vain to desire a greater to keep them under.—Let us follow the example of the queen's maj. whose gracious highness hath with such clemency ruled us, and so tempered her justice with mercy, as I ween never prince since the conquest hath for the time reigned over us in a quieter peace, with more love and less exaction. The honour be to her gracious maj. and those good counsellors that have had that statute in hand. But suppose it were passed for a law, what great good could we reckon should grow to the commonwealth by it? You will say, a sort of stubborn papists should be rid out of the way; who, if they lived, would be causers of sedition; and sedition must needs be the cause of desolation. Surely, if the whole number, that think against the oath in their conscience, should refuse the oath, and for the offence be executed; the realm could not chuse but be much weakened, and a great deal the less able to defend itself. We may partly see it by the universities, that what with the one side and the other, hath been so shaken for religion, that learning is almost quite decayed in them. And if provision be not made, all like to come to a barbarous ignorance'—But suppose you that the greatest part will refuse the oath? Think you that all that take it, will upon the taking of it change their consciences? Nay, many a false shrew there is that will lay his hand to the book, when his heart shall be far off. Of this hath this house full experience. For in the bill of conveying over of horses, there was a clause, that whosoever would swear that it was for his necessary travel, it was lawful. And because men sticked not at such trifle to forswear themselves, that clause was repealed. And upon like consideration, by the grave advice of this house, was the oath left out of the subsidy-book. If men for such trifles will forswear themselves, it cannot choose but be perilous, when their goods, lands, liberties, and lives shall depend upon it. And namely upon a matter, whereof for the most part they have no knowledge; but all one to them, whether it be so or otherwise. And so protesting that to be in their consciences whereof they stand in doubt, they shall wilfully forswear themselves.—And if men were seditious before, now will they become ten times more seditious. Neither shall the queen's maj. be ever a whit the "surer," which is the title, and as it should seem the only meaning of this bill. For if any were rebellious before, now will his heart become more rebellious; for that he is enforced to perjury: and that mischief will secretly keep in his mind, and shew it then, when he thinketh it will do most harm. Or else, if he be not thus wickedly disposed, then will he linger on in despair, and with violence at the last seek to destroy himself, which were too lamentable to hear of: and we the cause of all this mischief. Let us therefore, for the honour of God, leave all malice, and notwithstanding religion, let us love together. For it is no point of religion, one to hate another. Let us make an end of division, for fear lest our enemies, who are mighty and now in the field, might peradventure, finding us at dissention among ourselves, the easilier vanquish us. Whereas, if we can agree and love together, there shall be no doubt but we shall put them now to the worst whom we have often vanquished before. Let us do as the good mother did before Solomon, who when she had contention before the wise king for her own child with the common harlot, and that the matter went so hard, that he could not tell to whom to give it, but thought to divide it; the tender love of the mother, considering that the child's division should be the child's destruction, could not suffer that, but was content to yield up, and give away her interest. So let us, for the love of God, forget and forgive all griefs for the commonwealth's sake, and let us love one another: for so shall no division work the desolation of our kingdom. And when we have done all, to this we must come at last. We

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see in Germany, where, after so long contention, and so great destruction and waste of their country, at last they are come to this point; that the papist and protestant can now quietly talk together, and never fall out about the matter. I beseech you, therefore, right hon. that you will well remember the trust that your country putteth in you; and since you have the sword in your hand to strike, be well aware whom you strike. For some shall you strike that are your near friends, some your kinsmen, but all your countrymen, and even Christians. And though you may like these doings, yet may it be that your heirs after you may mislike them; and then farewel your name and worship. Remember that men that offend this way, offend not as murderers and thieves do, that is, of malice and wicked intent, but through conscience and zeal, at leastways through opinion of religion. And if it shall happen them to die in the wrong opinion, then shall we not only destroy the bodies, of which there is no small force, but their souls, which is a loss that can never be recovered. And if they should do it against their consciences, to save their lives, and seem peradventure in doubt of the matter; then should they fall unto perjury, and we become causers of it. And sith they keep their consciences to themselves, and live under a law, why are they to be punished by so sharp a law? And though some peradventure have offended you, yet do not for their sakes punish the rest, who never offended you; but rather for the others sakes, who are the greater number, forgive all. Follow the example of the good mother in Solomon, or rather the example of the queen's maj. whom I pray God may long reign over us, and her issue after her."

*Another Petition of the Commons for the Queen to marry.*] In this session the affair of the queen's Marriage and settling the Succession was again renewed. Jan. 16th, a motion was made in the commons, and on the 19th, the Speaker and 24 more were appointed a committee to draw up the form of a Petition to her maj. for the purpose aforesaid. On the 28th, the Speaker, with the whole house, attended on the queen; and, after a short oration of his own, delivered their petition to her. The form of which is preserved in D'Ewes's Journal, as follows:

"Your Commons, in this your maj.'s present parl. assembled, most high and mighty princess, our most dread sovereign lady, as they do daily, to their commodity and comfort, feel and receive the inestimable benefits of your most gracious govt. of this your realm, in peace and surety, so do also most thankfully acknowledge the same, beseeching Almighty God long to bless and continue your most prosperous reign over them; and among all these benefits which they daily receive of your highness, they have at this time willed me, in their names, to recognize unto your highness, that they account it not the least, but rather among the greatest of them all, that your maj. hath at this time assembled your parl. for supplying and redressing the greatest wants and defaults in your commonweal, and for the establishing the surety of the same; which your maj.'s most gracious meaning hath been at your commandment signified unto us, by the right hon. the lord keeper your great seal of England; namely in this, that he willed us first to have consideration of the greatest matters that nearest touched the state of the realm, and the preservation thereof, seeming therein also to express unto us the conformity of your maj.'s mind, in having principal respect to the matters of greatest weight; and for that respect assembling this your parl. And forasmuch as your said subjects see nothing in this whole estate of so great importance to your maj. and the whole realm, nor so necessary at this time to be reduced to certainty, as the sure continuance of the govt. of the imperial crown thereof, and the most hon. issue of your body (which Almighty God send us to your highness's comfort) and for want thereof, in some certain limitation to guide the obedience of our posterity; and where Almighty God, to our great terror and dreadful warning, lately touched your highness with some danger of your most noble person, by sickness; from which so soon as your grace was, by God's favour and mercy to us, recovered, your highness sent out your writs of parl. by force whereof your subjects are at this time assembled; your said subjects are both by the necessity and importance of the matter, and by the convenience of the time of calling them immediately upon your recovery, enforced to gather, and confess, that your maj. of your most gracious and motherly care for them and their posterity, have summoned this parl. principally for establishing of some certain limitation of the imperial crown of your realm, for preservation of your subjects from certain and utter destruction; (if the same should not be provided in your life, which God long continue.) They cannot, I say, but acknowledge your maj. hath most graciously considered the great dangers, the unspeakable miseries of civil wars, the perilous intermingling of foreign princes with seditious, ambitious and factious subjects at home; the waste of noble houses, the slaughter of people, subversion of towns; intermission of all things pertaining to the maintenance of the realm, unsurety of all men's possessions, lives and estates; daily interchange of attainders and treasons. All these mischiefs, and infinite others, most likely and evident, if your maj. should be taken from us, without known heir, (which God forbid) to fall upon your subjects, to the utter subversion of the whole, whereof you have charge under God: if good provision should not be had in this behalf. Your maj. hath weighed the examples of foreign nations, as what ensued the death of great Alexander, when for want of certain heirs by him begotten, or appointed, the variety of titles, the diversity of dispositions in them that

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had titles, the ambition of them that under colour of doubtfulness of title forsook all obedience of titles, destroyed his dominions, and wasted posterity with mutual wars and slaughters: in what miserable case also was this realm itself, when the title of the crown was tossed in question, between the two royal houses of Lancaster and York, till your most noble progenitors Henry VII. and the lady Elizabeth his wife, restored it to a settled unity, and left the crown in a certain course of succession? These things as your maj. hath, upon your own danger, most graciously considered for our comfort and safety; so we most humble subjects, knowing the preservation of ourselves, and all our posterity, to depend upon the safety of your maj.'s most royal person, have most carefully and diligently considered, how the want of heirs of your body, and certain limitation of succession after you, is most perilous to your highness, whom God long preserve amongst us. We have been admonished of the great malice of your foreign enemies, which even in your lifetime have sought to transfer the dignity and right of your crown to a stranger; we have noted their daily most dangerous practices against your life and reign; we have heard of some subjects of this land, most unnaturally confederated with your enemies, to attempt the destruction of your maj. and us all that live by you; we fear a faction of heretics in your realm, contentious and malicious Papists, lest they most unnaturally against their country, most madly against their own safety, and most treacherously against your highness, not only hope for the woful day of your death, but also lay in wait to advance some title, under which they may revive their late unspeakable cruelty, to the destruction of goods, possessions and bodies, and thraldom of the souls and consciences of your faithful and Christian subjects; we see nothing to withstand their desire, but your only life; their unkindness and cruelty we have tasted; we fear much to what attempt the hope of such opportunity (nothing withstanding them but your life) will move them; we find how necessary it is for your preservation, that there be more bounds set between your maj.'s life and their desire; we see, on the other side, how there can be no such danger to your maj. by ambition of any apparent heir established by your benefit and advancement, for want of issue of your maj.'s royal body, as you are now subject unto, by reason of their desire and hope; we know not how many pretend titles and trust to succeed you, whose secret desire we so much more fear, because neither their number, force, nor likelihood of disposition, is known unto us; and so we can the less beware of them for your preservation.—We find also, by good proof, that the certain limitation of the crown of France, hath in that realm procured so great quiet, as neither the person of the prince in possession hath been indangered by secret or open practice; nor the commonweal molested by civil dissention, through any quarrel attempted, for the title of that crown. And somewhat near home, we have remembred the miserable estate of Scotland, after the death of king Alexander, without any certain heir, or limitation to whom the crown of Scotland should remain; by reason whereof the whole estate of that realm was left open to the ambition of many competitors, and most grievous desolation and spoil, that grew upon such division; which afterwards gave occasion to king James V. to limit the crown of Scotland to certain noble families of that realm; whereby they, at this present, enjoy that quiet surety which we want. And all your maj.'s most noble progenitors, kings of this realm, have been in this behalf so careful, that from the conquest till this present day, the realm was never left, as it is now, without a certain heir, living and known, to whom the crown, after the death of the prince, should appertain. So, as your maj. of your singular care for us, and our posterity, hath at this time assembled us, for establishing this great and only stay of our safeties: we again, most gracious sovereign lady, acknowledge ourselves, and all that we have, to depend upon your preservation, being according to our bounden duty, most careful of the same, are in most humble manner come to your maj.'s presence: and I, the mouth appointed for them, together with, and in the name of all your most loving, natural and obedient subjects, do present unto you our most lowly suit and petition, That forasmuch as of your maj.'s person would come the most redoubted and best heirs of your crown, such as in time to come we would most comfortably see, and our posterity most joyfully obey: It may please your most exc. maj. for our sakes, for our preservation and comforts, and at our most humble suit, to take to yourself some hon. husband, whom it shall please you to join unto in marriage; whom, whatsoever he be that your maj. shall choose, we protest and promise, with all humility and reverence, to honour, love and serve, as to our most bounded duty shall appertain. And where by the statute which your most noble father assented unto, for the limitation of the succession of the crown of this realm, your maj. is the last expressly named within the body of the said act; and for that your subjects cannot judge, nor do know any thing of the form or validity of any further limitations, left incertain for want of heirs of your body, whereby some great dangerous doubt remaineth in their hearts, to their great grief, peril and unquietness: it may also please your maj. by proclamation of certainty already provided, if any such be, or else by limitations of certainty, if none be, to provide a most gracious remedy in this great necessity; which, by your most hon. and motherly carefulness for them, hath occasioned this assembly; that in this convenient time of parl. upon your late danger most graciously called, by you, for that cause, your

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grace may now extend to us that great benefit, which otherwise, or at other times, perhaps, shall never be able to be done again; so not only we, but all ours hereafter, and for ever, shall owe no less to your maj.'s propagation of succession, than we do already owe to your most famous grandfather, king Hen. VII. his uniting of division. And your subjects, on their behalfs, for your maj.'s further assurance, whereupon their own preservation wholly dependeth, shall employ their whole endeavours, and wits, and power, to renew, devise and establish the most strong and beneficial acts and laws of preservation and surety of your maj. and of your issue, in the imperial crown of this realm; and the most penal, sharp and terrible statutes, to all that shall but once practise; and attempt, or conceive against your safety; that by any possible means they may invent or establish, with such limitations of conditions, and restraints to all in remainders, such grievous pains, and narrow animadversions to all that shall enterprize or imagine any thing in prejudice of your highness, and your issue, as your maj. shall not have any cause of suspicion, but most assured ground of confidence in all your faithful subjects, continually watching and warding for your preservation, which God long continue, that you may see your childrens children, to his honour and our comfort, and incline your gracious ear to our most humble petitions."

No answer was returned to this Petition, till the 10th of Feb.; and then mr. Comptroller, and mr. Secretary, acquainted the house, "That her maj. doubted not but the grave heads of this house did right well consider that she forgot not the suit of this house, for the Succession; the matter being so weighty, nor could forget it. But she willed the young heads to take example of their ancients." We may believe this short answer to their long address was not well relished by the Commons; but still, no farther notice was taken of it, 'till the 10th of April; when, the bills being all ready for the royal assent, the queen came to the Lords, in the afternoon; and, on presenting the bills, the Speaker of the Commons made the following speech:—

"This it is, most excellent and virtuous princess, &c. As nature giveth to every reasonable creature to speak, so it is a grace to be well learned; and I representing the mouth of such a body as cannot speak for itself, and in the presence of your maj.'s person and nobles, must most humbly desire and crave of your highness, to bear with my imperfections. This commonwealth hath been, by God's providence, first instituted, and since, by mans policy, continued; wherein justice and good counsel is most to be preferred: for ancient law-makers, and authors of good laws, be worthy to be praised, and had in perpetual remembrance; and such are the laws that we have made in this commonwealth, as, in my opinion, do excell and pass all other human laws.—Amongst divers authors of good laws, we have set forth unto us, to the end they should not be forgotten, 3 queens; the 1st Palestina, the queen, reigning before the deluge, who made laws as well concerning peace as war. The 2nd was Ceres, the queen, which made laws concerning evil-doers. And, the 3rd was Marc, wife of Bathilacus, mother to Stillicus, the king, who enacted laws for the maintenance and preservation of the good and well-doers.—And since that time, Ethelfred, a king in this realm, established laws, and set in most beaten, high, and cross ways, a cross, and therein a hand, with a ring of gold, pointing to the most usual; which also stood untaken away or diminished during his life. And so you are the 4th queen, establisher of good laws, our most dread sovereign lady, for your time, as happy as any of the three; which happiness for the present I let slip, and desire, as all our hearts do, that some happy marriage to your contentation might shortly be brought to pass. Your maj. finding this realm out of order, and full of abuses, have continually had a special care to reform the said abuses; and for the more expelling thereof, have congregated together this assembly, whereby partly to your contentation, for reformation of the same to its old pristine estate, and for money and peace, is all that chiefly we have done; for which purposes we have agreed upon and made certain laws, which, until your maj. have granted your royal assent, and so given life thereunto, cannot be called laws.—And herein requiring of your maj. 3 petitions, two for the commons, and one for myself; the 1st, for such laws as they have made, being as yet without life, and so no laws; that it would please your maj. to grant your royal assent unto them. 2nd, that your highness would accept their doings in good part, that the imperfections of their labours by your acceptance may be supplied; for, as appeareth in sundry histories, the persons of those princes and subjects have long continued, which have well used themselves one toward the other; which, without neglecting of my duty, I cannot, in your presence, so let slip: for, as it appeareth in divers histories, the noble Alexander having presented unto him, by one of his poor soldiers, the head of one of his enemies, he, not forgetting the service of his soldier, although herein he had done but his duty, gave unto him a cup of gold, which first the soldier refused; but after that Alexander had commanded it to be filled with wine, and delivered him, he received it; whereby appeareth the noble and liberal heart of the said Alexander. Also Xenophon, writing of the life of Cyrus, who being liberal of gifts, having vanquished Croesus, and he marvelled at his liberality, said, "it were better to keep it by him, than so liberally to depart from it;" unto whom Cyrus answered, "that his treasure was innumerable; and appointed Croesus a day to see the same; and thereupon took order, that his subjects should, before that time, bring in their treasure; which be-

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ing innumerable, and more than Cyrus by any other means could have given, Cresus much wondered thereat; Cyrus said, "thou causest me to take of my subjects, and retain the same; but what need I to take, when they so frankly will bring it unto me; and so as occasion serveth, ready continually to supply my want? Therefore how can I be but rich, having such subjects? But if they by any means were poor, then were I poor also." Which two worthy examples of Alexander and Cyrus your maj. hath not forgotten to pursue; but with the like zeal have hitherto always used us, and now especially at this present, by your most gracious and free pardon; for the which, and all other, they by me their mouth, do most humbly thank you; acknowledging such and so much love and zeal of their parts towards your maj. as ever any subjects did bear towards their prince and governor. And in token thereof, with one assent, to offer to your highness one subsidy and two 15ths, most humbly beseeching your maj. to accept it, not in recompence of your benefits, but also as a token of their duty, as the poor widow's farthing was accepted, as appeareth in the scripture. 3rd, that it may also like your maj. to accept my humble thanks in allowing, and admitting me, being unworthy of this place, and bearing with my unworthy service; and last of all, my unfitting words, uplandish and rude speech; beseeching God to incline your maj.'s heart to marriage, and that he will so bless and send you good success thereunto, that we may see the fruits and children that may come thereof: so that you and they may prosperously, and as long time reign over us, as ever did any kings or princes; which God for his mercies' sake grant unto us."

Then the Queen called the Lord Keeper unto her, commanding him, in her name, to answer the Speaker, as she then declared unto him, which he did, as followeth:

"Mr. Speaker, the queen's maj. hath heard how humbly and discreetly you have declared the proceedings, and for answer hath commanded me that I should utter 3 or 4 things. The 1st, for her royal assent to the acts made at this parl. 2nd, how comfortably, and also thankfully, her maj. accepteth your liberality. And, 3rd, for the executing of the laws. Here, my lords and masters, although I cannot declare or open it unto you, as her maj. hath commanded me; and therefore willingly would hold my tongue, if I might; which, for that I cannot be excused, I say unto you, as followeth; not doubting of her highness's clemency in bearing with me herein. 1st, her maj. considereth how wisely you have done for the abolishing of the Romish power, the common enemy of this realm; remembering your care for the defence of the same realm, your respects for the maintenance or victual, the banishment of vagabonds, and relief of the poor, with others; and therefore alloweth your worthy proceedings herein. 2nd, your liberality and benevolence, wherein your wise considerations towards her charges is by her maj. taken in thankful part; and I take it to be my duty to put you in remembrance, that although this subsidy is made, and to be borne by subjects, not daily accustomed thereunto, yet that at her first entrance she had the like; and that the grant thereof is more liberal than afore hath been accustomed, and that it is of your necessity, yet it is to withstand a greater necessity, that for fault thereof would else have ensued; and therefore that penny is well spent that saveth a groat; which also hath been granted, neither with persuasions, threats, nor sharp words, which afore this time hath been accustomed, but by one general consent of you all; wherein appeareth your good wills and benevolent minds you bear to her maj. which zeal she most kindly accepteth; and, as she hath cause, thanketh you. Again, by her maj.'s command, she, remembering by whom, why, and to whom this was granted, doth thank as freely as you have granted, the most part whereof hath been accepted; and lest those that have so freely offered should not be so ready toward the gathering, thinketh it much better to lose the sum granted, than to lose your benevolent minds. 3rd, to the execution of laws I have little to say, although the whole substance consisteth therein; because I did, in the beginning of this parl. declare my opinion in that matter; and therefore, as now you have, to your charges, taken pains in making good laws, so put to your helps, to see these and all others executed; for as it is infallible, that a thing done unconstrained is much better than when they be constrained thereunto; even so her maj. willeth you to look well, without more words, to the execution, lest her grace should be driven to do, as she doth in her ecclesiastical laws, make commissions to enquire whether they be done or no; whereby she shall know those justices and officers, who have done their duty, and are to be used in service of justice, whereof her maj. desireth to have many; and again she shall understand who are to be barred from the like rooms, and the penal statutes to be on them executed, after this gentle warning; which enquiry I know is like to fall on me, as well as another. Howbeit, if justice be not executed I shall be glad to see this order taken. Notwithstanding, her maj. hopeth that this her admonition shall not need; for that you see laws without execution be as a torch unlighted, or body without a soul: therefore, look well to the executing. Here endeth the 3 things which her maj. commanded me to say unto you. Besides this, her maj. hath to answer your petitions. And as to the first, in which you desire her royal assent to such matters as you have agreed upon; to that she saith, how at this present she is come for that purpose. And for your other petitions, to accept in good part, as well your service as the travails and doings of the nether house, this parl.: to that she answereth, how that she doth not only accept them in good part, but

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also thanketh both you and them for the same. And touching your request before this, made unto her, for her Marriage and Succession: because it is of such importance, whereby I doubted my own opening thereof, I therefore desired her maj. that her meaning might be written, which she hath done, and delivered to me to be read, as followeth:

"Since there can be no duer debt than princes' words, which I would observe, therefore I answer to the same. Thus it is; the 2 petitions which you made unto me do contain 2 things, my Marriage, and Succession after me. For the 1st, if I had let slip too much time, or if my strength had been decayed, you might the better have spoke therein; or if any think I never meant to try that life, they be deceived; but if I may hereafter bend my mind thereunto, the rather for fulfilling your request, I shall be therewith very well content. For the 2nd, the greatness thereof maketh me to say and pray, that I may linger here in this vale of misery for your comfort; wherein I have witness of my study and travail, for your surety: and I cannot, with 'nunc dimittis,' end my life, without I see some foundation of your surety after my grave-stone."

After which, her maj. gave the royal assent to 31 public and 17 private acts. And then the lord keeper prorogued this parl. to the 2d of Oct. next ensuing. The principal acts passed in this session were, 1. An act against fond and fantastical Prophecies: 2. An act against Conjurations, Enchantments and Witchcrafts. 3. An act for the due execution of the writ de Excommunicato capiendo. Several good laws were made for the relief of the Poor; the punishment of those Vagabonds, called Egyptians, and Forgers of Evidences; as, also, such as should commit Sodomy or Perjury. Other acts were made for well-ordering of the Royal Navy; for the support and improvement of Tillage. Several attainders were also reversed; amongst which that of the children of Cranmer, late abp. of Canterbury, is the most remarkable. An act was passed for a translation of the bible, and other divine offices, into the Welsh tongue. Lastly, an act was made declaring the authority of the lord keeper of the great seal of England and the lord chancellor's to be all one. So that now sir Nich. Bacon, knt. who is, through both those parliaments, stiled 'Custos magni sigilli,' is declared to be the same as lord high chanc. of England.

Oct. 2d, the parl. being again met, the lord treasurer informed the members of both houses, "That for sundry causes and considerations, but, particularly, by reason the plague was then raging in the cities of London and Westminster, and the suburbs of the same, her maj. had thought good to prorogue this parl. still farther, to the 5th of Oct. in the next year." War had now been also proclaimed on both sides, but it did not continue long; for the next year a peace was concluded between the two contending powers. But though the parl. met again, at the time appointed, it was again prorogued from the 5th of Oct. to the 30th of April next following; without any reasons given for it in the writ. And, from the last named day, another writ still prorogued this parl. to the 4th of Oct. next ensuing. Nor was it then suffered to sit, but was once more prorogued to the 7th of Feb.; from which time this parl. was still prorogued to the 30th of Sept. 1566.

*Proceedings in the Commons, on the death of their Speaker.*] On the 30th of Sept. the two houses met accordingly; but an accident had happened to the Commons, which greatly disconcerted their proceedings. Tho. Williams, esq. their Speaker, was dead; and, as they could not act without one, they were at a loss what to do in a case that was hitherto unprecedented. A long entry is made in the Journals of the Lords, relating to this affair; whereby it appears that the Commons, after much deliberation, agreed upon this; That a committee should be appointed to wait upon the lord keeper and the lords of the other house, to know their opinion of the matter. This committee consisted of sir Edw. Rogers, comptroller of the household; sir Fra. Knolles, vice-chamberlain; sir Wm. Cecil, chief-secretary; sir Amb. Cave, chancellor of the duchy of Lancaster; 4 of the chief members of their house; and 20 more persons joined with them in commission. These were to repair to the Lords, to have their aid and assistance, both for intimation of the affair to her maj. and to know her good pleasure in it. The lords, after some consultation, agreed, That the lord keeper, the lord treasurer of England, the duke of Norfolk and the marq. of Northampton, should be appointed to go along with the 4 principals of the other house, being all of the privy council, to intimate the matter to her maj. in the name of both assemblies, and to know her pleasure therein. The result of this was, that, on the 2d day of their meeting, a commission was shewed by the lord keeper, directed to himself, under the broad seal, and was read in the house; importing, That the queen commanded the said keeper to call before him all the members of the other house, and to acquaint them, that her maj.'s pleasure was that they should resort to their usual place, and there to chuse a new Speaker, after their accustomed manner. Which done, 3 or 4 of that house, in the name of the rest, were to inform the queen of their choice, who then was to appoint a day when she would have their new speaker presented to her for her approbation.—In the Journals of the Commons we are told, that the members of that house, by virtue of the queen's writ, went upon the election of a new Speaker. That sir Edw. Rogers, knt. comptroller of the household, made a motion, that whereas Rd. Onslow, esq. her maj.'s solicitor general, was a member of that house, and yet attended the house of lords, that they would have him restored to them to join in

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the election of a speaker. On which, notice being sent to the lords, the said Rd. Onslow, esq; was sent down to them; who endeavoured to shew, by his writ of attendance, and other arguments, that he could not serve in both capacities; he was, nevertheless, adjudged to be a member of that house. Mr. Comptroller then named the said Mr. Onslow as their Speaker; who, again, endeavouring to evade it, urged, not only his own inabilities, but the oath he had taken to her maj.; and required them to proceed to a new election. On this, the house divided, and the numbers for his being Speaker were 82, against it 70: accordingly he was placed in the chair. The next day, the queen being come to the Lords, and seated on the throne, the new Speaker of the Commons was introduced between sir Edw. Rogers, comptroller of the household, and sir Francis Knolles, vice-chamberlain. Who, having made the usual reverences at the bar, spoke as follows:

" If it please your royal maj. most virtuous and most excellent princess, at the humble suit of the knights, citizens and burgesses of your nether house of parl. now assembled, was signified from your maj. by the mouth of the lord keeper, by force of your highness's letters of commission, your pleasure and grant of free election to the knights, citizens, and burgesses, to chuse a fit and learned man, to be their Speaker, instead of Thos. Williams, esq. their late Speaker, whom it hath pleased God to call to his mercy. For which they have commanded me, in their names, to render unto your maj. most humble thanks; and have commanded and forced me, to my great grief, to signify to your maj. how accordingly they have proceeded to an election, and chosen and assigned me (as I may say) being most unworthy to speak in this place, for this parl.; and for that I would not be obstinate, I am forced to wound myself with their sword, which wound yet being green and new, your maj. being the perfect physician, may cure in disallowing that which they have allowed; for that, without your consent it is nothing. And although I being very loth to trouble your highness, have made suit and used all ways and means to avoid it, yet could I find no remedy; and therefore am driven to seek remedy at your hands; for, though I have the experience of their uprightness, wisdom, and knowledge, which chose me; who, if they would have found any fault in me, I would lightly have believed them; notwithstanding that we are for the most part given to think too much of ourselves) but in this day, that they seem to enable me to this calling, whereof I know myself unable, I cannot credit them no more than the simple patient, grievously tormented with sickness, will believe the physician, nay the whole college of them, if they say he hath no grief, pain, or sickness. I therefore do not attempt this releasing of me for any ease of myself, but would be glad to serve your maj. to the uttermost of my power, in the office of sollicitorship, whereunto I am appointed, and not in this, being unfit for the same; and that for divers causes. For, 1st, I consider, I have to deal with many well learned, the flower and choice of the realm, whose deep understanding my wit cannot attain to reach unto. No, if they for great carefulness would often inculcate it into my dull head, to signify the same unto your highness, yet my memory is so slippery by nature and sickness, that I should likely lose it by the way; yet, if perhaps I kept part thereof, I have no other knowledge to help myself withal, but a little in the law, far inferior to divers in this house; and so should want learning and utterance to declare their meanings, as it requireth; especially when I consider your royal maj. a princess endowed with so many virtues, learning and flowing eloquence, it will abash and astonish me; and therefore finding these infirmities, and other in me, I think myself most unworthy of this place. I trust therefore only in your highness, that you will disallow this election; and the rather, for that by the true intent of your said letters, it may not be gathered that they should elect any of your majesty's officers; for although the words be to have their free election, yet the law may restrain them in some measure. As for example, we find in the law, that if it would please your maj. to grant licence to a dean and chapter, to purchase to them and their successors, 100*l.* yearly; which words be generally: yet if the purchased lands be holden in 'capite,' this grant is void. And again, if you grant the fines and amerciaments of all your tenants to one, who after chanceth to be sheriff of a shire, yet being a sheriff he cannot have them. So this (me seemeth) if it please your highness serveth my case. Another cause is for want of substance to maintain this my countenance; but yet your maj.'s goodness in this point stoppeth my mouth, for that I have none other living, but in manner by you. So for all these considerations, and divers others, as it shall please your maj. to consider, I humbly desire your highness to disallow this election, commanding them to repair again together, and to chuse another more fit to serve the same."

Then the Queen called the Lord Keeper, declaring her opinion in answering him, who returning to his place, said as followeth:—

" Mr. Onslow—The queen's maj. hath heard and well understood this disabling yourself to this office; and doth well perceive your earnest suit to be discharged of the same; and for answer, hath commanded me to say, That she doubteth not, but you very well understand, that when one is chosen to serve the commonwealth, it is not in him which is called, who hath appointed him thereunto. Also, there is an old similitude, that like as it appertaineth to the head to dispose every inferior member in his place, so it pertaineth to the queen's maj. being the head, to appoint every one in the commonwealth. This being truth, and her maj. withal remembring your fidelity and long



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experience in parl. matters, and again being chosen by so learned and expert men, thinketh therefore your fitness needeth not to be disputed here, and therefore they giving unto you such faith and credit, according to an antient custom, she cannot but do the like; and also you in disabling yourself have abled yourself, and therefore she doth allow and approve this their election, nothing doubting her opinion in your ability to serve this turn."

To this Mr. Onslow returned the following answer:—

"Seeing that it hath pleased your maj. to ratify this election, I, to the uttermost of my power, shall serve your highness and this commonwealth; but first my humble suit is, That it would please your maj. to accept my goodwill; and, the better to discharge my duty towards them which have chosen me, that in great matters sent from them, I may have access to your maj. at times convenient, as the weight shall require. Secondly, if by weakness I shall mistake the effect and meaning of the matters committed to me, by the knights, citizens, and burgesses, and thereby, against my will, misreport them, that then thereby this commonwealth may take no detriment; but that I may confer again with them, the better to understand their meaning, and so with more words to utter the same unto you: and, I shall pray, as I am bound, to God, for your long and prosperous reign over us."

Then her Majesty called the Lord Keeper, and commanded him to answer him, which he did as followeth:—

"Mr. Speaker; the queen's maj. hath heard your humble petitions, and request made unto her, the effect whereof she gathereth to stand in two points: 1st, for access to her person; and, 2ndly, for good interpretation of your meaning; and also larger declarations thereof, if need be. For the former, her highness (as her noble progenitors have done) is well contented, that in convenient time, and for convenient causes, in convenient place, and without importunity, (for that these parts now touched, have not been afore this time so well handled, as she now trusteth it shall be) which considered, as free access she granteth you, as any other hath had. For the 2nd point, because no man at all times may do so well, but sometimes things may be uttered, which may be mis-spoken; for which cause, in that time also you shall have her intreatable; but she thinketh your circumspection to be such as she shall not therein need.—Now a word or two to remember you here present of both the houses; 1st, this it is that I would advise you in this present proceeding, to prefer the most weighty matters first, and not trouble yourselves with small matters, and of no weight; and therein also, that all be done to understand the truth, and to avoid all superfluous matters, and losing or driving away of time. Secondly, it is profitable that you, my lords, and all others that be here, consider that long time requireth great expences, and therefore wish you to make expedition, the rather to avoid the same. And yet not meaning such expedition, that any thing needful to be done, should be lightly passed over, and not substantially done, and seen unto; but only I mean that you should settle yourselves wholly to mighty matters, and those which be necessary, and to spare superfluous things, and which needed not. And this is the sum I have to say."

Oct. 22, a committee of Lords were appointed to wait upon the queen, in the afternoon, to know her maj.'s pleasure. There is no farther entry made of this matter for that day; but three days after the lord treasurer acquainted the house, that the queen, considering his hoary hairs and old age, accompanied with heavy griefs, and, understanding the lord keeper's slow amendment, had minded to supply both their defects, by appointing sir Rob. Catlyn, knt. lord chief justice of the common pleas, to execute the office of the said lord keeper, in parl. And her maj.'s letters patents, for the said appointment, were read accordingly.

*A Committee of both Houses appointed to petition the Queen about her Marriage.*] Oct. 26th, the Lords, after deliberate consultation, and advice taken, how to provide in the great matter of Succession and Marriage, which had been intimated to them from the Commons, came to the resolution, to send serj. Carus and Mr. Attorney down to them to notify, That there would be a member of their house chosen and sent to them, to take their opinion in this affair. On the 30th, another committee of Lords was appointed for a conference with a select number of the commons, touching a Petition to be made to the queen, both for the Succession and the Marriage. This committee consisted of these lords following; the abp. of York, the lord treasurer, the duke of Norfolk, the marq. of Northampton; the earls of Northumberland, Westmoreland, Shrewsbury, Worcester, Sussex, Huntingdon, Warwick, Bedford, Pembroke, and Leicester; the viscounts Montague and Byndon; the bps. of London, Durham, Winchester, Worcester, Lincoln, Rochester, Coventry and Litchfield; the lord admiral and the lord chamberlain; the lords Morley, Cobham, Gray, Wentworth, Windsor, Rich, Sheffield, Paget, North, Hastings of Loughborough, and the lord Hunsdon. —The committee of the Commons, for managing this conference, is also entered in the Lords Journals. Their names were,

| | |
|---|---|
| Sir Edw. Rogers, knt. | Sir Nicholas Throgmorton |
| Sir Fran. Knolles, knt. | Sir Morris Berkley |
| Sir William Cecil, knt. | Sir Peter Carew |
| Sir Ambrose Cave, knt. | Sir John Chichester |
| Sir William Petre, knt. | Sir Thomas Gargrave |
| Sir Ralph Sadler, knt. | Sir Henry Nevile |
| Sir Walt. Mildmay, knt. all of her majesty's privy council. | Sir Thomas Arnold |
| | Sir Harry Ashley |
| Sir Thomas Wroth, knt. master of the rolls. | Sir John Pollard |
| | Sir John Perrot |

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| | |
|---|---|
| Sir Gabriel Carew | Mr. Francis Fleetwood |
| Sir Thomas Gerrard | Mr. Montgomery |
| Sir William Chester | Mr. Tho. Fleetwood |
| Sir John White | Mr. Bartue |
| Sir John St. Leger | Mr. Ambrey |
| Sir John Constable | Mr. Haddon |
| Sir ——— Hastings | Mr. Edward Leighton |
| Sir John Moore | Mr. Young |
| Sir John Southwark | Mr. Charles Howard |
| Sir John Thinne | Mr. Alford |
| Sir John Turpine | Mr. Harry Knolles, sen. |
| Sir Henry Gates | Mr. Hassel |
| Sir Robert Wingfield | Mr. Hawtrey |
| Sir Henry Cheney | Mr. John Hastings |
| Sir A. Chapman, knts. | Mr. Ashley of the jewel-house |
| Mr. Sechford | Mr. Cooley |
| Mr. Bell | Mr. William Moore |
| Mr. Monson | Mr. Hilliar |
| Mr. Dalton | Mr. Knight Marshal |
| Mr. Colbie | Mr. Robert Mannors |
| Mr. Kingsmill | Mr. Barham |
| Mr. Molineux | Mr. Francis Newdigate |
| Mr. Marsh | Mr. Warnecombe |
| Mr. Pratt | Mr. Francis Brown |
| Mr. Northton | Mr. Dunch |
| Mr. Wray | Mr. Withers |
| Mr. Sandys | Mr. Robert Bowles |
| Mr. Recorder of London | Mr. Wilson. |

The Journals only tell us, that on the 5th of Nov. the same committee of Lords, and 30 of the Commons, were appointed to wait upon her maj. by her own special command. But no account is given in these records, of what was done at the conference, or what answer her maj. gave to this committee. Mr. Cambden however informs us, "that the queen of Scots was just then delivered of a son, and that queen Elizabeth secretly envied her rival the honour of being a mother before her. Yet did she make no haste to follow her example; and this determined the English parl. to solicit Elizabeth strongly about Marriage, or to settle the Succession. The papists, on one hand, were big with hopes to have it settled in the queen of Scots, and her issue; whilst the protestants, on the other, were much divided about a successor, some for one person, some for another; every one foreboding sad and troublesome times, should the queen die before this important point was established." The persons who pretended to have a title to the crown, and had their several abettors, besides the queen of Scots, were the countess of Lenox, a daughter of Margaret of England, by Archibald Douglass, earl of Angus, her second husband. Catherine countess of Hertford, the daughter and co-heir of Henry Grey, marq. of Dorset, and Frances his wife, the eldest daughter and co-heir of Charles Brandon, duke of Suffolk, by Mary the French queen, youngest daughter to Henry VII. These several claims must have made the nation very uneasy at that time; since, without settling the succession, the single life of the queen, only, stopped the door against many troubles which might ensue by her death. For this reason the lords now thought proper to join with the commons in an address to her maj. What the debates at the conference were, does not appear in either journal; but Cambden assures us, "that the heats and clamours were so great, in the debates of both houses, about this affair, that they roundly taxed the queen with a disregard to her country and posterity." In the house of Lords, the peers that spoke the most in this debate were, the earls of Pembroke and Leicester; the duke of Norfolk also, but more cautiously, joined the others opinion, that the queen ought to be obliged to take a husband; or that a successor should be declared by act of parl. even against her will. But they were forced to make submission for this, and had their pardon. However, the whole house came to a resolution, to draw up an address to her maj. to be delivered by their speaker, the lord keeper Bacon; which Address, or Petition, at large, is preserved by Cambden, together with the Queen's Answer, and are as follow:

"*The Petition of the Lords Spiritual and Temporal, to her Majesty, upon the two great matters of Marriage and Succession, delivered by the Lord Keeper in Parl. Nov.* 10, 1566.

"Most humbly beseecheth your excellent maj. your faithful, loving and obedient subjects, all your lords both spiritual and temporal, assembled in parl. in your upper house; to be so much their good lady and sovereign, as according to your accustomed benignity, to grant a gracious and favourable hearing to their petitions and suits, which with all humbleness and obedience, they are come hither to present to your maj. by my mouth, in matters very nearly and dearly touching your most royal person, the imperial crown of this your realm, and universal weal of the same; which suits, for that they tend to the surety and preservation of these 3 things, your person, crown, and realm, the dearest jewel that my lords have in the earth; therefore they think themselves, for divers respects, greatly bound to make these petitions; as first by their duty to God, then by their allegiance to your highness, and lastly by the faith they ought to bear to their natural country. And like as, most gracious sovereign, by these bonds they should have been bound to make the like petition, upon like occasion, to any prince that it should have pleased God to have appointed to reign over them; so they think themselves doubly bound to make the same to your maj. considering that besides the bond beforementioned, they stand also bound so to do, by the great and manifold benefits they have and do receive daily at your highness's hands; which, shortly to speak, be as great as the fruits of peace, common quiet and justice can give; and this with great care and charge to yourself. And thus my lords diversly bound, as your maj. hath heard,

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are now to open to your highness their humble petitions and suits, consisting in two points chiefly; which not sundrily, or the one without the other, but both jointly they desire your highness to assent to: the 1st is, that it would please your maj. to dispose yourself to marry, where it shall please you, with whom it shall please you, and as soon as it shall please you. The 2d, that some such limitation might be made, how the imperial crown of this realm should remain, if God call your highness without heir of your body, (which our Lord defend) so as these lords and nobles, and other your subjects then living, might sufficiently understand to whom they should owe their allegiance and duty, due to be done by subjects; and that they might, by your maj.'s licence, and with your favour, treat and confer together this parliament-time, for the well doing of this. The former of these two, which is your Marriage, they do in their hearts most earnestly wish and pray, as a thing that must needs breed and bring great and singular comfort to yourself, and unspeakable joy and gladness to all true English hearts. But the 2d carrieth with it such necessity, that without it they cannot see how the safety of your royal person, the preservation of your imperial crown and realm, shall be, or can be sufficiently and certainly provided for. Most gracious and sovereign lady, the lamentable and pitiful state and condition, wherein all your nobles and counsellors of late were, when it pleased God to lay his heavy hand upon you, and the amazedness that most men of understanding were by the fruit of that sickness brought into, is one cause of this their petition; the 2d, the aptness and opportunity of the time, by reason of this parl. whereby both such advice, consideration and consent, as is requisite in so great and weighty a cause, may be better heard and used, than at any other time, when no parl. is. The 3d, for that the assenting and performing of these petitions, cannot, as they think, but breed great terror to our enemies, and therefore must of necessity bring great surety to your person; and especially by addition of such laws, as may be joined with this limitation, for a certain and sure observing it, and preserving of your maj. against all practices and chances. The 4th cause, for that the like (as it is supposed) hath been done by divers of your noble progenitors, both of old time and of late days; and also by other princes your neighbours, of the greatest estate in Europe; and for that experience hath taught, that good hath come of it. The 5th, for that it appeareth by histories, how that in times past, persons inheritable to crowns being votaries and religious, to avoid such dangers as might have happened for want of succession to kingdoms, have left their vows and monasteries, and taken themselves to marriage; as Constantia a nun, heir to the kingdom of Sicily, married after 50 years of age, to Henry VI. emperor of that name, and had issue Frederick II. And likewise Peter of Arragon, being a monk, married, the better to establish and pacify that kingdom. Again, Antoninus Pius is as much commended, for that not two days before his death, he said to his council, 'læto animo morior, quoniam filium vobis relinquo.' Pyrrhus is of all godly men detested, for saying he would leave his realm to him that had the sharpest sword. What but want of a successor known, made an end of so great an empire as Alexander the Great did leave at his death? The 6th cause is, for that my lords do judge, the performing of this will breed such an universal gladness in the hearts of all your true and loving subjects, that likely and probably you shall find them in all commandments ready and glad to adventure their goods, lands and lives in your service, according to their bounden duties; which of necessity must breed great surety to your majesty. The 7th cause, because the not doing of this, (if God should call your highness without heir of your body, which God grant never be seen, if it be his will) and yet your maj. right well knoweth, that princes and their offspring, be they never so great, never so strong, never so like to live, be yet mortal, and subject every day, yea every hour, to God's call; my lords think, this happening, and no limitation made, cannot, by their judgments, but be the occasion of very evident and great danger and peril to all estates and sorts of men of this realm, by the factions, seditions, and intestine war, that will grow, for want of understanding to whom they should yield allegiance and duty; whereby much innocent blood is most like to be shed, and many of those to lose their lives, that now would gladly bestow them for your sake, in your maj.'s service. The 8th, for that the not performing of this, the other happening, doth leave the realm without govt. which is the greatest danger that can happen to any kingdom; for every prince is 'anima legis,' and so reputed in law, and therefore upon the death of princes the law dies; all the offices of justice, whereby the laws are to be executed, do cease; all writs and commandments to call parties to the execution of justice, do hang in suspense; all commissions for the peace, and for the punishment of offenders, do determine and lose their force; whereby it followeth consequently, that strength and will must rule, and neither law nor reason, during such a vacation and inter-reign; wherein such an incertainty of succession is like to last so long, as it is to be feared (if God's mercy be not the greater) that thereby we may become a prey to strangers (which our Lord defend) or at least lose the great honour and estimation that long time hath pertained to us. And like as, most gracious sovereign, my lords have been moved for the worldly respect aforesaid, to make their humble petitions to your maj.; so by the examples, counsels, yea and commandments, that they have heard out of the sacred Scriptures, and for conscience sake they feel themselves constrained, and enforced to do the

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like. God, your highness knoweth, by the course of the Scriptures, hath declared succession and having of children to be one of the principal benedictions in this life; and on the contrary, he hath pronounced contrarywise: and therefore Abraham prayed to God for issue, fearing that Eliasar, his steward, should have been his heir; and had promise that kings should proceed of his body. Hannah, the mother of Samuel, prayed to God with tears for issue: and Elizabeth (whose name your maj. beareth) mother to John the Baptist, was joyful when God had blessed her with fruit, accounting herself thereby to be delivered from reproach. And as this is a blessing in private houses, so is it much more in kingdoms, as it plainly appeareth in the two kingdoms of Israel and Judah. Unto the kingdom of Judah, containing but two tribes, or thereabouts, God gave lineal succession by descent of kings; and therefore they continued a long time. The kingdom of Israel, containing ten tribes, or thereabouts, often destitute of lawful heirs, the one half of the people following the one, and the other half following the other, by wars and seditions weakened, came soon to ruin, as plainly appeareth by the third and fourth book of Kings. And again, in the time of the judges, because there was no ordinary succession, the people were oftentimes overcome, and carried into captivity. Besides, it is plain, by the Scriptures, that godly governors and princes (as fathers of their countries) have always been careful to avoid the great evil that might ensue, through want of limitation of succession; therefore Moses did enjoin Joshua to be his successor, and David his son Solomon; whereby a sedition was appeased, begotten by Adonijah: of this there be many examples. Farther, seeing it may be easily gathered by experience of all ages past, that civil wars, effusion of christian blood, and consequently ruins of kingdoms do follow, where realms be left without a certainty of succession; and your maj. is also informed of the same, and sued unto for redress: if therefore now no sufficient remedy should be by your highness provided, that then it should be a dangerous burden, before God, to your maj. and you were to yield a strict account to God for the same; considering you are placed, as the prophet Ezekiel saith, 'in altissimo speculo' of this commonwealth, and see the sword coming, and provide no remedy for the defence of it. Lastly, the spirit of God pronounceth, by the mouth of St. Paul, to Timothy, that 'whosoever maketh no due provision for his family, is in very great danger to God-ward;' and also by the mouth of St. John, that 'whosoever seeth but one brother in necessity, and doth shut up the bowels of pity and compassion from him, hath not the love of God remaining in him:' whereby it is plain and manifest, how fearful a thing it were, if this whole realm, containing so many families, were not, in a perilous case, upon their suit provided for; or if the bowels of mercy should be shut up from so many thousands, which every way were like to fall into most extreme miseries, if God should call your highness without certainty of succession; which we pray to God may never happen. Most excellent princess, the places of Scripture containing the said threatnings, be set forth with more sharp words than be here expressed. Thus, most gracious sovereign, your lords and nobles, both spiritual and temporal, have, as briefly as they can, first shewed to your maj. how diversly they take themselves bound, to make these their humble petitions unto you; and then what their petitions be; and after that what reasons for worldly respects, and what by the Scriptures, and for conscience sake, have moved them thus to do; which here upon their knees, according to their bounden duty, they most humbly and earnestly pray your maj. to have consideration of in time; and to give them such favourable and comfortable answer to the same, that some good effect and conclusion may grow before the end of the session of this parl. the uttermost day of their greatest hope, whereby this commonwealth, which your highness found to be 'lateritia,' as Augustus did his, and by your great Providence is now come to be 'marmorea,' shall not for want of performing this, if God shall call your highness, without heir of your body, be in more dangerous estate and condition, than ever it was that any man can remember. True it is, that this suit is made by my lords, not without great hope of good success, by reason of the experience that they have had of your bountiful goodness shewed to them, and the rest of your loving subjects, divers and sundry ways, since the beginning of your reign; which they pray God long to continue, to his honour, with all felicity."

*The Queen's Answer.*] "Since there can be no duer debt than a prince's word, to keep that unspotted, for my part, as one that would be loth that the self-same thing that keepeth merchants credit from craze, should be the cause that a prince's speech should merit blame, and so their honour quail; therefore I will an answer give, and this it is: the two petitions that you presented me (which must doubtless relate to the two several parts of one and the same petition, viz. the Marriage and the Succession, and might not improperly be so called though couched in one body, and as the words also following do in manner explain it) expressed many words, which contained in sum these two things, as of your cares the greatest, my Marriage and my Succession. Of which two I think the last best to be touched, and of the other a silent thought may serve. For, I thought it had been so desired, as none other trees blossom should have been minded, or ever any hope of any fruit had been denied you. And yet by the way, if any here doubt, that I am, by vow or determination, bent never to trade in that kind of life, put out that kind of heresie; for your belief is therein awry. For though I can think it best for a private woman, yet I do strive with myself not to think it meet for a prince; and if I can bend my liking to

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your need, I will not resist such a mind.—But, to the last, think not that you had needed this desire, if I had seen a time so fit, and it so ripe to be denounced. The greatness of the cause therefore, and need of your returns, doth make me say that which I think the wise may easily guess, that as a short time, for so long continuance, ought not to pass by roat, as many tell their tales; even so, as cause by conference with the learned, shall shew me matter worth the utterance for your behoof, so shall I more gladly pursue your good, after my days, than with all my prayers, whilst I live, be means to linger my living thread. And thus, much more than I thought, will I add for your comfort: I have good record in this place, that other means than you mention, have been thought of, perchance for your good, as much as for my surety, no less; which, if presently and conveniently could have been executed, it had not been now deferred or overslipped. But I hope I shall die in quiet with 'nunc dimittis;' which cannot be, without I see some glimpse of your following surety, after my graved bones."

The Lords having received this answer to their address, were, seemingly, satisfied; but not so the Commons. For Cambden writes, that Dutton, Wentworth and other members of that house, such as Bell and Monson, great lawyers, grated hard on the queen's royal prerogative. They maintained, amongst other points, "That kings are bound to appoint a successor; that the affection of the subject is the most impregnable bulwark and support of the prince; but that princes can gain this affection no otherwise, than by providing for the welfare of their subjects, both whilst after they live and after their death. And which can by no means be done, but where 'tis certainly known who shall succeed to the throne. That the queen, by not appointing a successor, did at once provoke the wrath of God and alienate the hearts of her people. Whereas, would she possess the affections of her subjects, and the favour of God, and live for ever in the remembrance of her people, she must of course nominate a successor. If not, she would be rather a step-mother of her country, or something worse, than the nursing-mother thereof; as being seemingly desirous that England, which lived as it were in her, should rather expire with than survive or outlast her. That none but timorous princes, or such as were hated by their people, or faint-hearted women, did ever stand in fear of their successors; nor can that prince, with any reason, apprehend dangers from a successor, who is fortified and secured by the love and duty of his subjects."

The Queen being made acquainted with the boldness of these speeches, it gave her no little concern, for the present, though she seemed to overlook it. However, the points above-mentioned being still insisted on, with much heat and great insolence; and the members so audacious as to back their pertness with invectives and abuses, the queen was resolved to put a stop to these proceedings. Accordingly, her maj. commanded 30 members of the Commons, as is mentioned in the Journals, along with the committee of lords, to make their appearance before her. On their coming to her, she endeavoured first to smooth and qualify their minds by many obliging expressions; but afterwards gave them a smart reproof, in which, however, she mixed some sweetness with maj. She promised them to manage things not only with the care of a prince, but the tenderness of a parent; by which means she diverted them from their resolution. And, because the parl. had offered greater subsidies than usual, on condition she would declare a successor, she utterly refused that extraordinary supply, and accepted of a much smaller sum. Abating the receipt of the fourth part of the money so granted; and telling them, after commending their regard for her, "That money in her subjects purse, was as good as in her own exchequer."

This is the substance of what Cambden writes of this matter; as, indeed, it is also of what we find in the Journals of the Commons about it: except that two inhibitions were sent to that house by the queen, expressly forbidding them to proceed in that affair any farther. This occasioned a motion to be made, by Paul Wentworth, esq. to know whether the queen's commands and inhibition were not against the liberties and privileges of the house? On which nice question the debates aforementioned were grounded. Many arguments ensued upon this; and the debate lasted from 9 in the morning, Nov. 11th, till 2 in the afternoon. Next day the Speaker was again sent for to court; who reported to the house, "That he had received a special command from the queen, that there should be no farther talk of that matter; and if any person thought himself not satisfied, and had further reasons, let him come and shew them before the privy council."—But we find that on the 25th, the Speaker, coming again from her maj. declared to the house, "That for the good-will she bore to them, she did revoke her two former commandments; but desired the house to proceed no further in the matter at that time." Which revocation, says the Journal, "was taken by the house most joyfully; with most hearty prayer and thanks for the same."

*A Subsidy.*] Oct. 17, the supply was moved in the Commons, by Mr. Comptroller Rogers, and seconded by Secretary Cecil; who declared, "That it was to defray the queen's charges at Newhaven, the navy, and the munitions against John O'Neyle, in Ireland." This bill was sent up to the Lords, on the 17th of Dec. and passed that house on the 18th. The grant was one 15th, one 10th, and a Subsidy; a subsidy from the clergy of 4s. in the pound to be paid in 3 years, had been confirmed by parl. some days before. Part of this tax, says Cambden, the queen remitted; as not caring to lie under too high an obligation to her parl. considering she was resolved not to oblige them, either in taking a husband

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herself, or declaring a successor to the crown.

In this session was passed an act, declaring "the election, consecration, confirmation and installment of the abps. and bps. of England to be good and lawful; and that the said bps. were elected and consecrated duly, and according to the laws of the land."—A bill was also brought into the Lords, and read twice, "That no man killing any person at, what is called in the Journals, 20-12 prick, or longer mark, shall forfeit his goods or chattels." Which bill, because it touched the queen's prerogative, it was thought convenient to proceed in it no farther, till her maj.'s pleasure was known therein. But we hear no more of it.—A list of the public acts passed in this session will be found at the end of this reign.

*The Parl. dissolved.*] The bills being all ready, after a short adjournment, from the 30th of Dec. to the 2d of Jan.; on that day, the queen came, by water, from Whitehall, as was her usual custom, and landed on the back-side of the parliament-chamber. After which, being apparelled in her parliament-robes, with a caul on her head, she came forth, and proceeded up and took her seat; the marq. of Northampton, carrying the cap of maintenance, stood on her right hand, and the earl of Westmoreland the sword at her left hand, with the heralds and serjeants of arms before her; the queen's mantle borne up on either side from her arms by the earl of Leicester and the lord Hunsdon, who always stood still by her for the assisting thereof, when she stood up; her train borne by the lady Strange, assisted by the lord chamberlain and vice chamberlain. At the left hand of the queen, and south side, kneeled the ladies; and behind the queen, at the rail, stood the lord keeper on the right hand, the lord treasurer on the left hand, with divers young lords and peers eldest sons. Then all being placed, Mr. Onslow the Speaker was brought in, between sir Francis Knolles, vice chamberlain, and sir Ambrose Cave, chancellor of the duchy; and after reverence done, proceeded down to the wall, and from thence came up to the rail, in the way making 3 reverences; and standing there, made other 3 like reverences, and then began his oration, as followeth:

*The Speaker's Speech.*] "Most excellent and virtuous princess, &c. Where I have been elected by the knights, citizens, and burgesses of this your nether house, to be their mouth or Speaker, and thereunto appointed and allowed by your maj. to supply the same room, to the bewraying of my wants; especially, that thereby I shall be forced utterly to discover the barrenness of my learning before this noble assembly, which not a little grieveth me, and would gladly be excused, considering the true saying, "how there is no difference between a wise man and a fool, if they may keep silence;" which I require. But again, considering your maj.'s clemency, taking in good part the good will of the party for want of ability, which putteth me in remembrance and good hope, persuading me that you will not take your said clemency from me, contrary to your nature. Again, when I consider my office as Speaker, it is no great matter, being but a mouth, to utter things appointed me to speak unto you, and not otherwise; which consisteth only in speaking, and not in any other knowledge; whereby I gather how it is necessary, I speak simply and plainly, according to the truth and trust reposed in me. And thus, considering whose mouth I am, which chose me to speak for them, being the knights, citizens, and burgesses, who were not also by the commons chosen for their eloquence, but for their wisdom and discretion; by this means, being fit men to whom the Commons have committed the care and charge of themselves, wives and children, lands and goods; and so in their behalf to foresee, and take order for all things necessary. Thus they being chosen by the plain commons, it is necessary they elect a plain Speaker, fit for the plain matter, and therefore well provided at first to have such a one as should use plain words, and not either so fine that they cannot be understood, or else so eloquent, that now and then they miss the cushion. But now, upon occasion of beholding your grace and this noble assembly, I consider the manifold and great benefits which God suddenly hath sent unto this country; for although God hath granted the benefit of creation and conservation, with many other commodities, to other nations of the world; yet this our native country he hath blessed, not only with the like, but also with much more fruitfulness than any other; of which great and inestimable benefit of God's preferment, which appeareth better by the want that others have of the same, I am occasioned now to speak, the rather to move and stir up our hearts to give most hearty thanks to God for the same.—Now to speak of govt. by Succession, Election, Religion, or Policy: 1st, if the body should want a head, it were a great monster; so it is likewise if it have many heads, as if upon every several member were a head. And to speak of one head; although in the body be several members, which be made of flesh, bones, sinews, and joints, yet the one head thereof governeth wisely the same; which if it should want, we should be worse than wild beasts without a shepherd, and so worthily be called a monstrous beast. Again, if the body should be governed by many heads, then the same would soon come to destruction, by reason of the controversy amongst them, who would never agree, but be destroyed without any foreign invasion; therefore God seeth it is needful that the people have a king, and therefore a king is granted them; and so therefore the best govt. is to be ruled by one king, and not many, who may maintain and cherish the good and godly, and punish the ungodly and offenders.—As for govt. by Election, in that is great variance, particularly strifes and part-takings.

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As for examples, amongst the rest, take out one, which is called the most holy, as that of the pope; and weigh how holily and quietly it is done, called indeed holy and quiet, but utterly unholy and unquiet, with great partakings and strifes. Now touching Religion. To see the divine providence of God, how that many nations be governed by one prince; which were impossible, but that God ordereth it so, by whom the order of regimen is appointed, and that in his scriptures; wherefore the subjects ought to obey the same, yea, although they were evil, and much more those that be good. So God hath here appointed us not a heathen, or unbelieving prince, as he might, but a faithful, and one of his own children, to govern us his children; in which govt. the prince serveth God two ways, as a man and as a king. In that he is a man, he ought to live and serve God, as one of his good creatures; and that he is a king, and so God's special creature, he ought to make laws whereby God may be truly worshipped, and that his subjects might do no injury one to another, and especially to make quietness among the ministers of the church; to extinguish and put away all hurtful and unprofitable ceremonies, in any case contrary to God's word: in which point we have, in your maj.'s behalf, great thanks to give unto God, in setting forth unto us the liberty of God's word, whereof before we were bereaved; and that you have reformed the state of the corrupt church, now drawing souls out of dangerous errors, which afore by that corruption they were led and brought unto. And concerning Policy, God hath committed to your highness two swords; the one of which may be called the sword of war, to punish outward enemies withal; and the other the sword of justice, to correct offending subjects. In which point of policy your maj. is not behind your progenitors; for although, at your entrance, you found this realm in war, and ungarnished with munition, and that with such store as never was before; yet you have dislodged our ancient enemies, which were planted and placed even upon the walls of this realm. And concerning policy in laws, as bones, sinews, and joints be the force of a natural body, so are good laws the strength of a commonwealth: and your laws be consisting of two points, the common laws and the statutes. And for the common law, it is so grounded on God's laws and nature's, that 3 several nations governing here have all allowed the same; which is not inferior, but rather superior, and more indifferent than any other law. For, by our common law, although there be for the prince provided many princely prerogatives and royalties; yet it is not such as the prince can take money, or other things, or do as he will, at his own pleasure, without order; but quietly to suffer his subjects to enjoy their own, without wrongful oppression, wherein other princes by their liberty do take as pleaseth them. Aristotle saith, "that the life of the prince is the maintenance of the laws, and that it is better to be governed by a good prince than by good laws;" and so your maj. as a good prince, is not given to tyranny, contrary to your laws; but have and do pardon divers of your subjects offending against the laws. As now for example of your special grace, you have granted a general pardon, either without our seeking or looking for, whereby it is the better welcome. Again, your maj. hath not attempted to make laws contrary to order, but orderly have called this parl. who perceived certain wants, and thereunto have put their helping hand. And for help of evil manners, good laws are brought forth; of the which we beseech your excellent maj. so many as you shall allow, to inspire with the breath of your maj.'s power; whereby they may be quickened which now want life, and so be made laws. Furthermore, concerning payments to be made to the prince, it is as to deliver the same to God's ministers, who are appointed always for our defence; wherefore your humble subjects do offer a Subsidy, to be put into your maj.'s treasure; which, although it be but as a mite, or a farthing, yet is the good will of them to be reputed as the poor widow's was in the gospel; wherein I must not omit to do that which never Speaker did before, viz. to desire your maj. not to regard this simple offer of ours, but therein to accept our good will, wherein your highness hath prevented me in taking in the best part our good will; and required us to retain in our hands part of our gift, and accounting it to be in our purses as in your own; and so is our duty, besides the policy thereof, it being for our own defence; and also honesty, for that we have received many benefits by your maj.; for he that doth a good turn deserveth the praise, and not he which afterwards goeth about to reward, or doth reward the same. Also giving most hearty thanks to God, for that your highness hath signified your pleasure of your inclination to marriage; which afore you were not given unto, which is done for our safeguard; that when God shall call you, you shall leave of your own body to succeed you, which was the greatest promise that God made to David, and the greatest request that Abraham desired of God, when God promised him exceeding great reward; who said, "Lord, what wilt thou give me when I go childless; and he that is the steward of mine house is mine heir?" Therefore God grant us, that as your maj. hath defended the faith of Abraham, you may have the like desire of issue with you. And for that purpose, that you would shortly embrace the holy state of matrimony, to have one, when and with whom God shall appoint, and best like your maj.; and so the issue of your own body, by your example, rule over our posterity; and that we may obtain this, let us give our most humble thanks to God for his manifold benefits bestowed upon us, and pray for the reign of your maj.'s issue, after your long-desired government."

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Then the Lord Keeper (after the queen had called him, and told him her mind) answered to Mr. Speaker, and said:

*The Lord Keeper's Answer.*] "Mr. Speaker; the queen hath heard and understood your wise and eloquent oration, whereby principally I gather 4 things; 1st, disabling yourself. 2nd, concerning governance. The 3rd, touching the subsidy. And, lastly, in giving thanks; which also was intermingled very wisely in all parts of your oration. And for the 1st, in disabling yourself, you have therein contrarily bewrayed your own ableness. For the 2nd, concerning governance, as well by succession as election, of religion and policy, in which discourse you have dealt well, I therefore leave it, and mean to speak only a few words, as to your last word, policy.—Politic orders be rules of all good acts, and touching those that you have made to the overthrowing of good laws, they deserve reproof as well as the others deserve praise; in which like case you err, in bringing her maj.'s prerogative in question, and for that thing, wherein she meant not to hurt any of your liberties. And again, the grant of her letters patents in question is not a little marvel, for that therein you find fault; which is now no new-devised thing, but such as afore this time hath been used and put in practice; howbeit, her maj.'s nature is mild and full of clemency; so that she is loth herein to be austere; and therefore, though at this time she suffer you all to depart quietly unto your countries for your amendment, yet as it is needful, so she hopeth that the offenders will hereafter use themselves well.—Again, touching the good laws, which you have taken great pains in making: if they be not executed, they be not only as rods without hands to execute them, or as torches without light, but also breed great contempt: therefore look well to the execution; for, if it be not done, the fault is in some of us, which she putteth orderly in trust to see it done.—For the 3rd point, concerning the presentment of the subsidy, her maj. biddeth me say, that when the lords spiritual and temporal granted it unto her, so she trusteth you will be as careful in gathering of it; which I, and others be witness, how very unwilling and loth she was to take, but to avoid further inconvenience.—And lastly, concerning knowledge of benefits, and giving of thanks, which you have well declared be many, yet one in comparison above all, yea, a fruit above all other, and whereby you may enjoy all the other, which is her marriage; whereof she hath put you in good hope.—Further, I have to put you in remembrance of 3 things; the 1st is, that where now you acknowledge benefits, and as you have cause to give thanks; so 2ndly, that you be not unmindful hereafter to do the like; and 3rdly, that in all your doings hereafter, you show yourselves, that all these benefits be had in remembrance, and not forgotten; for that it should be a thing against reason in human creatures; especially therefore now it behoveth you all, as you have acknowledged benefits, and for them given thanks in the first point, so that you see the other two observed. And then her maj. will not fail likewise thankfully to accept the same."

*The Queen's Speech.*] Then the Queen standing up, said (after she had given her royal assent unto 19 public acts, and 13 private):—

"My Lords, and others the Commons of this Assembly; although the Lord Keeper hath, according to order, very well answered in my name, yet as a periphrasis I have a few words further, to speak unto you: notwithstanding I have not been used, nor love to do it, in such open assemblies; yet now, not to the end to amend his talk, but remembring that commonly princes own words be better printed in the hearers memory, than those spoken by their command; I mean to say thus much unto you. I have in this assembly found so much dissimulation, where I always professed plainness, that I marvel thereat; yea two faces under one hood, and the body rotten, being covered with two vizors, Succession and Liberty, which they determined must be either presently granted, denied or deferred. In granting whereof, they had their desires, and denying or deferring thereof (those things being so plaudable, as indeed to all men they are) they thought to work me that mischief, which never foreign enemy could bring to pass, which is the hatred of my commons. But, alas! they began to pierce the vessel before the wine was fined, and began a thing not foreseeing the end, how by this means I have seen my wellwillers from mine enemies, and can, as me seemeth, very well divide the house into four. 1st, the broachers and workers thereof, who are in the greatest fault; 2ndly, the speakers, who, by eloquent tales, persuaded others, are in the next degree; 3rdly, the agreers, who being so light of credit, that the eloquence of the tales so overcame them, that they gave more credit thereunto, than unto their own wits; and lastly, those that sat still mute, and meddled not therewith, but rather wondered, disallowing the matter; who, in my opinion, are most to be excused.—But, do you think, that either I am unmindful of your surety by Succession, wherein is all my care, considering I know myself to be mortal? No, I warrant you. Or that I went about to break your Liberties? No, it was never in my meaning, but to stay you before you fell into the ditch. For all things have their time. And although, perhaps, you may have, after me, one better learned, or wiser; yet I assure you, none more careful over you: and therefore, henceforth, whether I live to see the like assembly or no, or however it be, yet beware, however, you prove your princes patience, as you have now done mine. And, now to conclude, all this notwithstanding (not meaning to make a Lent of Christmas) the most part of you may assure yourselves, that you depart in your princes grace."—This speech being ended, the Lord Keeper, by her maj.'s command, dissolved the parliament.



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We have now a space of 5 years before we meet with another parl.; during which time, the unfortunate Queen of Scots had been driven out of her kingdom, by her rebellious subjects, and forced to seek protection from her near kinswoman and sister queen, Elizabeth. In this interval, also, a dangerous insurrection had broken out in the north of England; headed by the earls of Northumberland and Westmoreland. It grew to some height in a short time; but was soon suppressed by the earl of Sussex, who was sent by the queen against them.

*A Parl. called.*] In 1571, a parl. was called to meet at Westminster, on the 2d of April. The initial ceremonies and speeches are wholly omitted in both the Journals; but sir Simonds D'Ewes has supplied them from a manuscript Journal, then in his possession, and taken by some member of the commons in that parl. It begins thus:—

On Monday the 2nd of April, the parl. beginning (according to the writs of summons sent forth) her maj. about 11 of the clock, came towards Westminster, in the ancient accustomed most honourable passage, having first riding before her the gentlemen sworn to attend her person, the batchelors knights, after them the knights of the bath, then the barons of the exchequer, and judges of either bench, with the master of the rolls, her maj.'s attorney-general, and solicitor-general; after whom followed in order, the bps. and after them the earls, then the abp. of Canterbury. The Hat of Maintenance was carried by the marquis of Northampton, and the sword by the earl of Sussex. The place of the Lord Steward, for that day, was supplied by the lord Clinton, lord admiral of England; the lord great chamberlain was the earl of Oxford; and the earl marshal, by deputation from the duke of Norfolk, was the earl of Worcester. Her maj. sat in her coach, in her imperial robes, and a wreath or coronet of gold, set with rich pearls and stones, over her head; her coach drawn by two palfries, covered with crimson velvet, drawn out, imbossed and imbroidered very richly. Next after her chariot followed the earl of Leicester, in respect of his office of the master of the horse, leading her maj.'s spare horse. And then 47 ladies and women of honour; the guard in their rich coats going on every side of them; the trumpeters before the first, sounding; and heralds riding, and keeping their rooms and places orderly. In Westminster church the bp. of Lincoln preached before her maj. whose sermon being done, her maj. came from the church, the lords all on foot, in order as afore; and over her head a rich canopy was carried all the way. She being entered into the Upper House of parl. and there sat in princely and seemly sort, under a high and rich cloth of estate; her robe was supported by the earl of Oxford, the earl of Sussex kneeling, holding the sword on the left hand, and the earl of Huntingdon holding the hat of estate, and the lords all in their places on each side of the chamber; that is to say, the lords spiritual on the right hand, and the lords temporal on the left. The judges and her learned council, being at the woolsacks in the midst of the chamber, and at her highness's feet, at each side of her kneeling one of the grooms, or gentlemen of the chamber, their faces towards her; the knights, citizens and burgesses all standing below the bar, her maj. then stood up in her regal seat, and with a princely grace and singular good countenance, after a long stay, spake a few words to this effect:—

*The Queen's Speech.*] "My right loving lords, and you our right faithful and obedient subjects: We in the name of God, for his service, and for the safety of this state, are now here assembled, to his glory, I hope, and pray that it may be to your comfort, and the common quiet of our, yours, and all ours for ever."

And then looking on the right side of her, towards sir Nicholas Bacon, knt. Lord Keeper of the great seal of England, standing a little beside the cloth of estate, and somewhat back and lower from the same, she willed him to shew the cause of the parl. who thereupon spake as followeth:—

*The Lord Keeper's Speech.*] "The queen's most excellent maj. our most dread and gracious sovereign, hath commanded me to declare unto you, the causes of your calling and assembling at this time, which I mean to do as briefly as I can, led thereunto as one very loth to be tedious to her maj. and also because to wise men, and well-disposed (as I judge you be) a few words do suffice. The causes be chiefly two, the one to establish or dissolve laws, as best shall serve for the governance of the realm. The other, so to consider of the crown and state, as it may be best preserved in time of peace, and best defended in the time of war, according to the honour due unto it. And because in all councils and conferences, first and chiefly there should be sought the advancement of God's honour and glory, as the sure and infallible foundation, whereupon the policy of every good public weal is to be erected and built; and as the streight line, whereby it is principally to be directed and governed, and as the chief pillar and buttress, wherewith it is continually to be sustained and maintained; therefore, for the well-performing of the former touching laws, you are to consider, 1st, whether the Ecclesiastical Laws concerning the discipline of the church, be sufficient or no? and if any want shall be found, to supply the same; and thereof the greatest care ought to depend upon my lords the bps. to whom the execution thereof especially pertains, and to whom the imperfections of the same be best known.—And as to the Temporal Laws, you are to examine, whether any of them, already made, be too sharp or too sore, or over burthenous to the subject; or whether any of them be too loose or two soft, and so over perilous to the state. For like as the former may put in danger many an innocent,

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without cause, particularly; so the 2nd may put in peril both the nocent and innocent, and the whole state universally. You are also to examine the want and superfluity of laws: you are to look whether there be too many laws for any thing, which breedeth so many doubts, that the subject sometimes is to seek how to observe them, and the councellor how to give advice concerning them.—Now the 2nd, which concerns a sufficient Provision for the Crown and State; herein you are to call to remembrance how the crown of this realm hath been many ways charged extraordinarily of late; not possibly to be born by the ordinarily revenues of the same, and therefore of necessity to be relieved otherwise as heretofore it hath commonly and necessarily been. For, like as the ordinary charge hath been always born by ordinary revenues, so the extraordinary charge hath always been sustained by an extraordinary relief. This to those that be of understanding is known, not only to be proper to kingdoms and empires, but also is, hath been, and ever will be, a necessary peculiar partaining to all commonwealths, and private states of men, from the highest to the lowest; the rules of reason hath ordained it so to be.—But, here I rest greatly perplexed, whether I ought to open and remember unto you, such reasons as may be easily produced, to move you thankfully and readily to grant this extraordinary relief or no: I know the queen's maj. conceiveth so great hope of your prudent foreseeing what is to be done, and of your good wills and readiness to perform that, which by prudence you foresee, that few or no persuasions at all are needful for the bringing this to pass. Nevertheless, because by the antient order heretofore used, it is my office and duty somewhat to say in this case, and likewise all men also that be present, neither understand alike, nor remember alike: therefore I mean, with your favour and patience, to trouble you with a few words, touching this point. True, it is, that there be 2 things that ought vehemently to move us, frankly, bountifully, and readily to deal in this matter. The former is the great benefits that we have received: the 2nd is the necessity of the cause. If we should forget the former, we are to be charged as most ungrate and unthankful; and the forgetfulness of the 2nd doth charge us, as unoareful of our own livings and liberties, and of our lives; the former moveth by reason, and the 2nd urgeth by necessity. And here, to begin with the former, albeit that the benefits that the realm hath received by God's grace, and the queen's maj.'s goodness, both for the number and greatness, are such as may be more easily marvelled at, than worthily weighed and considered: yet mean I to remember briefly 3 of them, whereof the 1st and chief is restoring and setting at liberty God's holy Word amongst us; the greatest and most precious treasure that can be in this world: for that either doth, or should benefit us in the best degree; to wit, our minds and souls; and look how much our souls excel our bodies, so much must needs the benefits of our souls excel the benefits of our bodies; whereby also, as by a necessary consequent, we are delivered, and made free from the bondage of the Roman tyranny; therefore this is to be thought of us the most principal benefit.—The 2nd is the inestimable benefit of Peace during the time of ten whole years together, and more; and what is peace? Is it not the richest and most wished for ornament that pertains to any public weal? Is not peace the mark and end that all good governments direct their actions unto? Nay, is there any benefit, be it never so great, that a man may take the whole commodity of, without the benefit of peace? Is there any so little commodity, but through peace a man may have the full fruition of it? By this we generally and joyfully possess all; and without this generally and joyfully we possess nothing. A man that would sufficiently consider all the commodities of peace, ought to call to remembrance all the miseries of war; for in reason it seems as great a benefit in being delivered of the one, as in the possessing of the other. Yet if there were nothing, the common and lamentable calamities and miseries of our neighbours round about us, for want of peace, may give us to understand what blessedness we be in that possess it. There be that never acknowledge benefits to their value, whilst they possess them, but when they are taken from them, and so find their want; marry, such be not worthy of them. Now is it possible, trow you, that this blessed benefit of peace could have been from time to time thus long conserved and conferred upon us, had not the mind, affection and love, that our sovereign bears towards us her subjects, bred such care over us in her breast, as for the well-bringing of this to pass, she hath forborn no care of mind, no travel of body, nor expence of her treasure, nor sale of her lands; no adventuring of her credit, eithe r at home or abroad? a plain and manifest argument, how dear and precious the safety and quiet of us her subjects be to her maj. And can there be a greater persuasion to move us to our power to tender the like?—The 3rd is the great benefit of clemency and mercy. I pray you, hath it been seen or read, that any prince of this realm, during whole 10 years reign, and more, hath had his hands so clean from blood? If no offence were, her maj.'s wisdom in governing was the more to be wondered at; and if offences were, then her maj.'s clemency and mercy the more to be commended. 'Misericordia ejus super omnia opera ejus.' Besides, like as it hath pleased God 10 years and more, by the ministry of our said sovereign, to bless this realm with those two inestimable benefits of peace and clemency, so there is no cause but the same might by God's grace have continued 20 years longer, without intermission, had not the raging romanist rebels entertained the matter. And here it is to be noted, that this merciful and peaceful reign 10 years and more, hath happened in the

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time of Christ's religion now established. I cannot think that any man can follow me in this, in the time of the Romish religion since the conquest. Nay, a man might anirm, that this is an example for times to come, without any like in times past; comparing singula singulis, what should I say? these be the true fruits of true religion. I could further remember you of the fruits of justice, the benefit of restoring your money to fineness; yea, I could put you in mind, but I think it needs not, it happened so late, of a subsidy granted, whereof the queen's maj. of her own bountifulness, remitted the one half; was the like here in England ever seen or heard of? But being out of doubt, that these benefits already remembered be sufficient of themselves to move you to be thankful to your power, I leave any longer to detain you in this point.—And albeit a subject cannot yield any benefit to his sovereign in the same nature that he receiveth it; because every benefit is more than duty, and more than duty a subject cannot yield to his sovereign: yet can it not be denied, but a subject's acknowledging of benefits received, joined with good-will to yield as far as liberty will reach, doth sufficiently satisfy for the subject, for, 'ultra posse non est esse.' To your best actions therefore address ye. And thus much concerning benefits.—Now to the 2nd part, concerning urging by necessity, true it is, that the extraordinary matters of Charge, happened since the last assembly here, urging to have by necessity a relief granted, amongst many others be these. First, the great charge in suppressing the late northern rebellion, with charges also in reducing those the queen's enemies in Scotland, that assisted the rebels, and made roads into England. The continual growing expences, by reason of Ireland, as in subduing the rebels within that realm, and withstanding the Scots northward, and other foreign forces, intending invasion southward. To these 3 charges by land, you may add a 4th by sea; as the preparation and setting forth of ships, partly for the defence against all foreign forces, suspected and intended, partly for the safe conducting of the wares and merchandizes in greater strength and longer cut than heretofore hath been used. These and such like extraordinary charges, whereof there be sundry, with the remains of old charges not possible to be born by the ordinary revenue, and yet of necessity to be expended, do greatly exceed any extraordinary aid therefore commonly granted. Again, the great decay of the queen's Customs, by reason of stay and alteration of traffick (albeit upon just occasion) hath bred no small want; for although in time it is not to be doubted, but that will grow again to his old course, and continue with great surety: yet, in the mean time, this want must some way be supplied; for you know the horse must be provided for, whilst the grass is in growing. At the least, let us do so much for ourselves, as we do for our horses. For ourselves it is that are to be relieved in this case. This I must needs say, that if the queen's maj. did use in matters of expence, to do as commonly princes heretofore have used to do, then with the more difficulty might such extraordinary aid be assented unto, and yet of necessity to be had, to withstand a greater necessity. It hath been used in times past, that princes pleasures and delights have been commonly followed in matters of charge, as things of necessity. And now, because, God be praised, the relieving of the realm's necessity is become the princes pleasure and delight, a noble conversion (God continue it, and make us, as we ought to be earnestly thankful for it!) a princely example shewed by a sovereign for subjects to follow. To descend in some particulars. What need I to remember unto you, how the gorgeous, sumptuous, superfluous buildings of time past be for the realm's good, by her maj. in this time turned into necessary buildings, and upholdings? The chargeable, glittering, glorious triumphs into delectable pastimes and shows? Ambassadors of charge into such as be void of excess, and yet honourable and comely? These and such like are dangerous dams, able to dry up the flowing fountains of any treasure; and yet these imperfections have been commonly princes peculiars, especially young. One free from these was accounted 'rara avis,' &c. and yet (God be thanked) a phœnix, a blessed bird of this kind God hath blessed us with. I think it may be affirmed, and that truly, that there hath not been any matter of great charge taken in hand by her maj. in this happy reign of 12 years and more, that hath not been thought before convenient to be done for the weal and profit of the realm; so far her highness is from spending of treasure in vain matters, and therefore the rather how can a man make any difficulty to contribute according to his power? especially, in maintaining of his sovereign, his country, his self, his wife and children, and what not? having so long a proof by experience of such an employment? Here I would put you in mind of extraordinary charges to come, which in reason seems evident; but so I should be over tedious unto you, and 'frustra fit per plura quod fieri potest per pauciora.' And therefore here I make an end, doubting that I have tarried you longer than I promised or meant, or perchance needed, your wisdoms and good inclinations considered. But you know things are to be done both in form and matter; and my trust is, that if I had stayed, I may be warranted by either, or by both, that you will take it in good part."

*The Speaker's Speech.*] The Journalist proceeds then to tell us, that on the 4th of April the Commons presented Christopher Wray, esq. serjeant at law, as their Speaker; whose excuse not being allowed, he made an oration in substance as follows; first, he said, "he desired to be heard to say somewhat concerning the orderly govt. of a commonweal, which to be duly done, there were 3 things requisite, Religion,

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Authority, and Laws. By Religion, he said, we do not only know God aright, but also how to obey the king or queen, whom God shall assign to reign over us; and that not in temporal causes, but in spiritual or ecclesiastical; in which wholly her maj.'s power is absolute. And leaving all proofs of divinity to the bps. and fathers, as he said he would, he proved the same by the practice of princes within this realm, and first made remembrance of Lucius the 1st Christian king, who having written to Elutherius the pope, 1300 years past, for the Roman laws, he was answered, that he had the holy scriptures, out of the which he might draw good discretion; for that he was the vicar of Christ over the people of Britain. The conqueror, he said, in the erection of Battle Abbey, granted that the church should be free from all episcopal jurisdiction. Henry III. gave to Ranulph, bp. of London, the archbishoprick of Canterbury, by these words, 'rex, &c. sciatis quod dedimus dilect. nostro Ranulpho archiepiscop. Cantuarien. quem instituimus anulo et baculo.' The ring, he said, was the sign of perfection; the staff the sign of pastoral rule; which he could not do if these kings had not had and used the ecclesiastical powers. In the reports of the law, we find that an excommunication of a certain person came from the pope, under his leaden bull, and was shewed in abatement of an action brought at the common law; which, besides that it was of no force, the king and judges were of mind, that he who brought it had deserved death, so to presume on any foreign authority; which authority being now, by God's grace and her highness's means, abolished, and the freedom of consciences and the truth of God's word established; we therefore ought greatly to thank God and her.—For Authority, or the sword, whereby the commonwealth is stayed, 3 things, he said, are requisite; men, armour, and money. For men, their good wills were most, being of itself a strong fortress; for armour, the necessity he shewed in part; and how requisite treasure was, he a little declared. And concluded, that all 3 must be conjoined, men, armour, and money.—Lastly, for Laws, the third stay of the commonwealth; he said there must be consideration in making them, and care in executing of them; in making such, as by the providing for one part of the commonwealth, the rest should not be hindered, which were indeed a matter most pernicious; and this he vouched out of 'Plato de Legibus.' For execution, he said, that since the law of itself is but mute, set in paper, not able to do ought, the magistrate, (except he will be also mute) must be the doer, and then is a good law said to be well made when it is well executed; for 'anima legis est executio.'—Hereupon he said something in commendation of her maj. who had given free course to her laws, not sending or requiring the stay of justice, by her letters or privy seals, as heretofore sometimes hath been by her progenitors used. Neither hath she pardoned any, without the advice of such, before whom the offenders have been arraigned, and the cause heard. His oration being ended, he then made 4 petitions; 1st, that the persons, servants, and goods of all coming to that assembly might be free from all arrests. 2nd, that for cause of conference they might have access to her maj. 3rd, if any sent should not truly report, or in part mistake the meaning of the house, that the same should be by her highness favourably heard. And, lastly, that in the house all men might have free speech."

*The Queen's Answer.*] This oration being ended, by direction from her maj. the Lord Keeper answered thus, dividing his speech into 3 parts; the 1st, where he had sometimes inserted commendations of her maj. he said, "her highness would not acknowledge so great perfections to be in her; but said, that they should be instructions for her better proceedings in time to come. The 2nd part of his oration, he said, concerning the rule for ordering of the commonwealth, she well liked of; and wished, that as he had well conceived of it, and well uttered the same, so he and others would endeavour the execution thereof. For his petitions, he said, her maj.'s pleasure was, that the 1st should be granted, with this caution, that no man should under their shadows untruly protect others. For the 2nd, he said, at time convenient, her pleasure was, they should come freely. Touching the 3rd part, he said, she could not imagine that among so many wise men it could happen; but if it should, her grace would be content to remit it. The 4th was such, that her maj. having experience of late of some disorder, and certain offences, which though they were not punished, yet were they offences still, and so must be accounted; therefore said, they should do well to meddle with no matters of state, but such as should be propounded unto them, and to occupy themselves in other matters concerning the commonwealth."

*Earls of Northumberland, &c. attainted.*] The first thing of note we find the Lords went upon was, to bring in a bill for the Attainder of Tho. Piercy, earl of Northumberland, Cha. Nevile, earl of Westmoreland, and others. The names of those other persons attainted are not in the Journals, but Cambden has given us several of them: besides the two earls, there were Ann, countess of Northumberland; Edw. Dacres, of Morton, commonly called lord Dacres; John Nevile, of Leversege; John Swinborn, Tho. Markenfeld, Egremond Ratcliff, brother to the earl of Sussex; Christ. Nevile, Rd. Norton, of Norton-Coniers; Christ. Marmaduke, and Thomas of the same family; Rob. and Mich. Tempest, Geo. Stafford, and about 40 more, all of the best families in the north of England. The bill of Attainder against these persons was read in the Lords a first time on the 6th of April; passed that house on the 28th; and, being sent down to the Commons, they returned it,

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concluded, on the 15th of May following. By this act, all their lands and goods were forfeited to the queen, and those possessions within the bishopric of Durham were adjudged to her and her successors, against Pilkinton, the bp. who laid claim to all royalties between the rivers Tine and Tese. This was done, says Cambden, in regard of the vast expence the queen had been at in freeing the bp. and his diocese from the rebels; but with proviso that it should not prejudice the right of the church of Durham for the future.

*Bill relating to Treason.*] April 23th, a bill was sent up by the Commons to the Lords, whereby certain offences there named were made Treason. It passed that house on the 8th of May, with a new proviso, and certain amendments added to it. This act, says Cambden, was occasioned by the iniquity of the times, and the love which the parl. of England then bore to their prince and country. By it was provided, according to the tenor of former laws, "that if any man should attempt the death or personal hurt of the queen; or raise war, or excite others to war against her; if any one should give out, that she is not the lawful queen of this realm, but that any other can claim a juster title thereto; or should pronounce her to be an heretic, schismatic, or infidel; or should usurp the right and title of the kingdom during her life; or should affirm that any other has a right to the crown; or that the laws and statutes cannot limit and determine the right of the crown and the successor thereof, every such person shall be guilty of high treason. That if any one, during the queen's life, should by any book, written or printed, expressly maintain, that any person is, or ought to be, the queen's heir and successor, except the natural issue of her body, or should publish, print, or disperse any books or writings to that effect, he and his abettors, for the first offence, should be imprisoned for a whole year, and forfeit the half of his goods; and if any should offend a 2nd time, he should incur the penalty of a premunire, that is, the loss of all his goods, and lie in perpetual imprisonment."

*Pope Pius V. excommunicates the Queen.*] About this time pope Pius V. thundered out all the anathemas of the Vatican against Elizabeth, and published a bull of excommunication against her, which was fixed on the bp. of London's palace-gates. This arrogance was taken notice of by parl. Accordingly, we find that a bill passed the Lords, April 21st, with this title, "a bill against bringing in and putting in Execution of Bulls, Writings, or Instruments, or other superstitious things, from the see of Rome." By it was enacted, "that whosoever, by bulls, or other rescripts of the pope, should reconcile any man to the church of Rome, and those who should be so reconciled, should be guilty of high treason. That whosoever did relieve such as did so reconcile men, or should bring into England any Agnus Dei's, beads, crucifixes, or other things consecrated by the pope, should incur the penalty of a Premunire. And that whosoever should not discover such reconcilers should be guilty of concealing, that is, misprision of treason."

Several persons concerned in the last rebellion having escaped beyond sea, and others in greater numbers having withdrawn themselves on the score of religion, a bill was framed against them in the Commons, and sent up to the Lords on the 1st of May. The next day this bill against Fugitives over the Seas was committed, and on the 19th was concluded in that house, with a new proviso, and certain amendments added to it. The act recalled all such Fugitives who had gone abroad without the queen's leave, within a limited time, under forfeiture of their estates. And by another act, passed this session, all conveyances, gifts, alienations, &c. of their estates were termed fraudulent, and set aside. These, and some more laws of less significancy, were framed against Popery, by this parl. nor were they wanting to reform some scandalous abuses which had crept into the established protestant church. An act was made for correcting certain disorders of the ministers of the church; another against frauds in defeating remedies for dilapidations; and a third touching Leases of Benefices and other ecclesiastical livings with cure.

*A Subsidy.*] May 10th, a bill with a grant of two 15ths and 10ths, and a Subsidy, was sent up by the Commons, and passed by the Lords on the 15th. Hollingshead informs us, that this Supply was granted to the queen, towards the great charge she had been at, in repressing the late Rebellion, in the north; and pursuing the rebels, which were fled into Scotland. Great care was taken that the queen should not be cheated of any part of this grant; for two bills were passed this parl. the one against frauds of tellers, receivers, collectors and treasurers of the public money; the other, that all such lands, goods, chattels, &c. as any receiver, teller, collector, &c. should have at their entering into their charge, shall be liable to the payment of their debts due to the crown. The like act was made for the collectors of the subsidies granted by the clergy; which at this time was 6s. in the pound.

We must now go back to trace what was doing this parl. in the Commons. The house having been called over, and the oath of allegiance and supremacy given to each member, by the lord steward of the queen's houshold, they proceeded to the election of a Speaker; the ceremony of whose investiture is given before.

April 5th, the house was again called over; and some members were commanded to attend the next day the order of the house, because they had entered there without being returned by the clerk of the crown. The same day a committee was named to confer with the attorney and solicitor general, about several boroughs, who had returned members in this parl. but sent none to the last. The Journals

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ist observes, on such a case, in a prior parl. "That it was very common in former times, that if any borough grew into poverty, or decay, to avoid the charges of their burgesses allowance, they either got a licence from the crown to be discharged from such election and attendance, or did, by degrees, discontinue it themselves. But, in later times, the knights, citizens and burgesses of the house of commons, for the most part, bearing their own charges, many of those borough towns, which had discontinued their former privilege, by not sending, did again begin it; which was the case of several towns, both in this and the succeeding reign." This is the reason why so many pitiful boroughs, remarkable now for nothing but their meanness and poverty, retain the same privilege; and have a power of being represented equal to the counties and cities, and superior to many great towns in England.

*Debate on the Abuses in Religion, &c.*] April 6th, as it appears by the Journalist, a motion was made in the house to this effect:—

Mr. *Strickland*, a grave and ancient man, of great zeal, stood up, and made a long discourse, tending to the remembrance of God's goodness, giving unto us the light of his word, together with the gracious disposition of her maj. by whom, as by his instrument, God hath wrought so great things, and blaming our slackness and carelessness, in not esteeming and following the time and blessing offered; but still as men not sufficiently instructed what is truth, or so that we think it not convenient to publish and profess it openly, and that all reproachful speeches of the slanderous might be stopped, the drawbacks brought forward, and the over-runners, such as over-run and exceed the rule of the law, reduced to a certainty, he thought it operis pretium, to be occupied therein; for which purpose he said, the professors of the gospel in other nations had writ, and published to the world, the confession of their faith, as did those of Strasburgh and Frankfort, &c. for which purpose also great learned men in this realm had travelled, as Peter Martyr, Paulus Fagius, and others, whose works hereupon were extant.—And before this time an offer thereof was made, in parl. that it might be approved; but either the slackness, or somewhat else of some men in that time, was the lett thereof, or what else, he said, he would not say. This book, he said, rested in the custody of Mr. Norton, as he guessed, a man neither ill-disposed to religion, nor a negligent keeper of such matters of charge, and thereupon requested that Mr. Norton might be required to produce the same; he added also, that after so many years, as now by God's providence we had been learning the purity of God's truth, we should not permit, for any cause of policy, or other pretence, any errors in matters of doctrine to continue amongst us. And therefore, said he, although the book of common prayer is (God be praised) drawn very near to the sincerity of the truth, yet are there some things inserted more superstitious, than in so high matters be tolerable; as, namely, in the Administration of the Sacrament of Baptism, the Sign of the Cross to be made with some ceremonies, and such other errors; all which, he said, might well be changed, without note of chopping or changing of religion, whereby the enemies might slander us; it being a reformation not contrariant, but directly pursuant to our profession; that is, to have all things brought to the purity of the primitive church, and institution of Christ. He spake at large of the abuses of the church of England, and of the churchmen; as first, that known papists are admitted to have ecclesiastical govt. and great livings; that godly, honest, and learned protestants having little or nothing; that boys are dispensed with to have spiritual promotions; that by friendship with the master of the faculties, either unable men are qualified, or some one man allowed to have too many several livings; finally, he concluded with petition, that by authority of the house, some convenient number of them might be assigned, to have conference with the lords of the spirituality, for consideration and reformation of the matters by him remembered.

Mr. *Norton*, a man wise, bold and eloquent, stood up next, and said, he was not ignorant, but had long since learned what it was to speak on a sudden, or first, before other men in parl. Yet, being occasioned by Mr. Strickland, he said, that truth it was, he had a book tending to the same effect; but (quoth he) the book was not drawn by those he named, but by virtue of the act of 1532, at the assignation, or by the advice of 8 bps. 8 divines, 8 civilians, and 8 temporal lawyers, who having in charge, to make ecclesiastical constitutions, took in hand the same; which was drawn by that learned man, dr. Haddon, and penned by another learned man Mr. Cheeke; whereupon he said, that consideration had been, and some travel bestowed by Mr. Foxe of late, and that there was a book newly printed, to be offered to that house; which he did, then and there, presently shew forth. And for the rest of Mr. Strickland's motions, he was of his mind, chiefly for the avoiding and suppressing of simoniacal ingrossments.

Whereupon were appointed for that purpose, for redress of sundry defections in those matters, these following; viz. all the privy council being members of this house, sir Hen. Nevill, sir Tho. Thinne, sir Tho. Lucy, sir Hen. Gate, the master of the requests; mr. Heneage, mr. Recorder; mr. Bell, mr. Henry Knolles, sen. mr. Mounson, mr. Norton, mr. Strickland, mr. Godier, mr. Wm. More, and dr. Berkley.

On the same day, the Bill concerning Coming to the Church, and receiving the Communion, was read the 2nd time, and thereupon sir Tho. Smith, speaking for the maintenance thereof, argued; and in part wished the bps. to have consideration thereof.—After whom mr. Fleetwood moved, that the penalty of that statute should not go to promoters, and said,

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it was a device but of late brought in, in the time of Henry VIII. the first year of his reign, and shewed the evils and inconveniences that did grow by these men's doings; wherein no reformation was sought, but private gain to the most of men. He said also, that matter of going to the Church, or for the Service of God, did directly appertain to that court; and that we all have as well learned this lesson, That there is a God, who is to be served, as to have the bps. And thereupon he undertook to prove by the old laws, vouched from king Edgar, that the princes, in their parliaments, have made ecclesiastical constitutions: as these, That if any servant shall work upon the sabbath-day, by the commandment of his master, he should be free; if of himself, he should be whipped; if a freeman should work, he should be bound, or grievously amerced. Then he concluded upon request, that it might be committed to some of the house, without the bishops, who perhaps would be slow.—Sir Owen Hopton moved, very orderly, that the presentation of such defaults should not only depend upon the relation of the churchwardens, who being for the most part simple, and mean men, and fearing to offend, would rather incur danger of perjury, than displease some of their neighbours; he shewed for proof, experience.—On which motions, sir Thos. Smith, sir Owen Hopton, sir Thos. Scot, the master of the requests; mr. serj. Manwood, mr. serj. Geoffrey, mr. Fleetwood, and mr. Sands, were appointed a committee, to meet in the Star-Chamber, at two in the afternoon.

*Debate on the Subsidy.*] April 7th, the bill concerning Religion was read, and the Journalist proceeds to tell us, That mr. Strickland first moved, that mr. Norton might be required to deliver such books, as he had. Mr. Newdigate moved, that where one of the causes for the calling of the parl. and perhaps the chiefest, was for a Subsidy; he thought it not amiss to make offer of a Subsidy before it should be required, which speech was not liked of by the house.—Sir F. Knolles made a long needless discourse concerning the Subsidy.

Mr. *Bell* said, that a Subsidy was, by every good subject, to be yielded unto; but for that the people were galled by two means, it would hardly be levied; namely, by licences, and the abuse of promoters; for which, if remedy were provided, then would the Subsidy be paid willingly; which he proved, for that by licences a few only were enriched, and the multitude impoverished; and added, that if a burden should be laid on the back of the Commons, and no redress of the common evils, then there might happly ensue, that they would lay down the burden in the midst of the way, and turn to the contrary of their duty.

Mr. *Popham* affirmed mr. Bell's speech, and added to the former abuses, that of the treasurers of the crown; who having in their hands great masses of money, with the which either they themselves or some of theirs, do purchase lands to their own use, and after become bankrupts, and so cause or practice an installment of their debts, as of late some one hath installed a debt of 30,000l.: which occasioned the lack in the princes coffers.

Mr. Serj. *Lovelace* argued, that every loyal subject ought to yield to the relief of the prince, and that without any condition or limitation; notwithstanding, he did not dislike of the former motions; and thought it very requisite, that these evils might be provided for, to the ends aforesaid; unto the which he added 3 abuses more; 1st, the abuse of purveyors, wherein he had to desire the council, and the masters of the household to consider it, and to be willing to yield to reformation; and, in his opinion, it should not be amiss to take away the purveyors, and to limit every country to a proportionable rate; so should her maj. be better served, and the kingdom eased:—2ndly, the reformation of the exchequer, for the charge which groweth by respite of homage; which he wished might be paid on some other sort, in a sum certain:—3rdly, another reformation, which is upon a great abuse in the exchequer, by sending out, upon every fine levied, the writ 'quo titulo ingressus est.'

Mr. *Comptroller* said, that he being one of the masters of the household, would do his endeavour for reformation of all things arising by the purveyors.

Mr. *Sampoole*, sometimes of Lincoln's Inn, liked well of the motion of the Subsidy, and commended the motions of the gentlemen before; affirming, that they were very necessary to be thought of; unto which he was to add one more, viz. the abuse of collectors. He shewed, that they do retain their charge sometimes a year, sometimes more, in their own hands. And for that they are but mean men, appointed to that office, they oft times convert it to their own uses, and are perhaps never able to satisfy the same; whereby the people are unwilling to pay: for if they should understand her maj. should have it presently, they would more willingly pay it; and therefore wished the better sort of every country should be assigned to that charge.

Mr. *Goodier* said, that every man ought to yield to the subsidy, and rather offer it than to stay till it should be demanded; desiring, that the subsidy might be presently, and only go forward without the hearing of any more complaints; for that they might be infinite, and already more were remembered, than in one parl. could be reformed. Wherein he shewed a great desire he had to win favour. A Committee was then appointed to consider of the proportion and time of yielding some relief unto her majesty.

April 9th, a Report was made concerning the right of the Burgesses; and it was ordered, by consent of the attorney general, that the burgesses shall sit according to their returns; because the validity of the charters of their towns ought to be examined in another place.

April 10th, the committee was enlarged on the Religious bills, in order to go to a confer-

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ence with a select number of bps. and peers. The next day the bill on fraudulent Gifts and Conveyances, alias Monopolies, was taken into consideration; and being ordered to be engrossed, a debate arose, in which

Mr. *Fleetwood* argued, "that there might appear rashness or indiscretion in them, who should now reverse what of late they had done; but leaving to speak thereof, he entered into a good discourse of the Prerogative, which might thereby be touched, if they should endeavour to overthrow her maj.'s letters patents, to whom by law there is power given to incorporate any town, and she is sworn to preserve her prerogative: he vouched the clerk of the parliament's book to be, that no man might talk of the statute of Wills, &c. but that the king first gave licence; for that his prerogative in the wards was hereby touched. He shewed likewise the statute of Ed. I. Edw. III. and Hen. IV. with a saving of the prerogative. In Ed. VI.'s time, licence was sued for to the Lord Protector, to talk of matters of Prerogative, he remembered the book of 2 Ed. VI. for the parl. of Ireland, called by the chief judge, as is for him lawful; where it was questioned, what by parl. might be done? whether they might depart with any of the king's towns, forts or piers? It was agreed they might not; and so he concluded, that to talk thereof (for as much as her maj.'s letters patents, and prerogative were touched) 'rege non consulto,' was perilous. He also made mention of the statute, which authorizeth all merchants to traffic by sea, 'nisi publice prohibentur;' he saith, others were prohibited.

Mr. *Young*, of Bristol, shewed the loss to the queen of her custom, then the private monopoly wrought and occasioned by the merchants, the controversies which have ensued by this means amongst them, and the subtile means whereby the statute was procured, without the consent of the major or commons, by such as were put in trust.

Mr. *Alford* said, that he might not speak of the prerogative aptly, for that he was not learned in the law; but made some remembrance of what he had there seen, concerning the act of parl. for Southampton; where it appeareth, that without an act of parl. her maj.'s letters patents were not sufficient; and therefore he prayed convenient consideration might be, and that the same, if it should so seem good to the house, might be conjoined to the former and other bills, &c.—Then spake mr. Cleere, sir F. Knolles, sir Nich. Arnold, sir Hen. Norris, and mr. Christ. Yelverton, of Gray's Inn, severally to the said bill: whose speeches being somewhat imperfectly and uncertainly set down, are therefore omitted; although from them, and the residue foregoing, the effect of this bill may be collected to have been for the dissolution of certain companies of merchants in Bristol, whom her maj. had incorporated by her letters patents, and authorized them to trade to certain places, by which it was pretended that the public and free trading of others was restrained; and at last upon the motion of mr. Fleetwood, that the bill being of great weight, might be further considered of by the house, and the committees be appointed at some other time; it was thereupon ordered, That they should be appointed on the day following, which was done accordingly.

*Debate on the Bill for coming to Church.*] The same day was read, but not mentioned in the original Journals, a bill for coming to the Service of the Church, which seems to be a matter of great moment, by the following debate about it:

Mr. *Snagg* shewed, at large, the inconveniences of the old law, for coming to service: for, said he, by the former law it was enacted, that the service shall not be said, or sacraments ministred, in other sort than in the Book of Common Prayer is prescribed; he shewed, how differently the same was used in many places, from the prescribed rule; as where no part of those prayers were observed, but a sermon, and some such other prayers only as the minister shall think good, in place thereof: whereupon have great divisions, discords and dislikes grown amongst and between great numbers. And since it is law, that in this sort Service shall be used, and that whosoever shall be at any other form of service, shall incur the penalty prescribed, and that the ministers neither do, nor will do herein, as they should, and as is by the law prescribed and commanded. He thought the proceedings, in this kind, should occasion a dilemma in mischief: for, by this law, if he come not, he shall lose 12d.; and if he come and be present, and the Service be not said according to the prescribed rule of the book, he shall lose 100 marks.

Mr. *Aglionby*, burgess of Warwick, moved, the law might be without exception or privilege for any gent. in their private oratories. This did he prove to be fit out of Plato his laws, and Cicero, both prescribing for the observation of the law and equality between the prince and the poor man; not giving scope to the one above the other. Also he remembered the authority of Lactantius Firmianus, making this only difference betwixt man and beast, that all men do know and acknowledge that there is a God; and in this respect there should be no difference between man and man. Withal, he said, the more noble the man, the more good his example may do. He therefore concluded, that for so much of the law, so the same might be general, he was of good liking that it should pass. But, for the other matter, concerning the receiving of the Communion, he argued, that it was not convenient to inforce consciences. And, to that purpose, he shewed the authority of doctors; which he vouched, without quoting the place or sentence. He said also, that it was the opinion of fathers, and learned men of this land; and therefore wished they might be consulted with. Finally, he concluded, that 'bonæ leges è malis moribus proveniunt:' but no



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good laws can make a bad man fit to receive that great mystery of God above. This whole speech he tempered with such discretion, as in such case was seemly. And whatsoever he spake, he spake the same under correction.

Mr. *Strickland* said, that, for the 1st, he approved what mr. Aglionby had said: for the 2nd, he could not be of that mind; and he vouched, out of Esdras, that the church, yea, and the consciences of men, were, by the prophet, restrained: withal, he said, conscience might be free, but not to disturb the common quiet. He shewed the practice and doings of the people, the banishment of the Arians, &c. That the word of the prince, for lack of law, must not be tied. The Israelites, he said, were constrained to eat the passover. And, finally, he concluded, that it was no straitning of their consciences, but a charge or loss of their goods, if they could not vouchsafe to be, as they should be, good men, and true christians.

Mr. *Dalton* reasoned to this effect, that there could ensue no inconvenience by those two laws, which were intended to be contrary. His reason was, except the Service be according to the law, no man is bound to stay there, no more than if he be bound to come and hear Service; and there be no Service, he is to forfeit his bond. For answer to mr. Aglionby, he said, the matters of conscience did not concern the law-makers; neither were they to regard the error, curiosity, or stiffneckedness of the evil, ignorant, or froward persons. For be it they did proceed orderly to the discharge of their own consciences, in making the law, let them care for the rest whom it behoveth. He was of mind that gentlemen should not be excepted, for the causes aforesaid; but, he wished provision might be made for such as be imprisoned, or cannot come for fear of arrests. He wished also, that the law might have continuance but till the end of the next parliament.

*Debate on the Treason Bill.*] April 12th, when the bill, and the additions to it, that certain offences should be made Treason, was read, a debate arose, in which

Mr. *Goodier* spake to this effect: 1st, he made a solemn protestation of his sincerity, truth and loyalty to her majesty, to the state, and to the house. Then he shewed many singular and true blessings, which we have by her highness's means, and religiously prayed for her preservation; but, his whole discourse stood upon these 3 points;—what he thought of the persons there assembled; what he disliked in the matter of the bill propounded; and why he did so.—Of the persons, he said, he heartily believed the whole company in truth and true meaning to have a care and hearty wellwishing for her maj.'s safety, acknowledging and reposing in her the very anchor of our safety; but, whether all were with a sincere meaning to the state of the crown, he knew not; but rather thought the clean contrary: but yet of the most and most honorable he thought not amiss, but some surely, he said, were doubly disposed, and with a favourable affection bent for some special body.—For the substance of the first bill, he said, he was of clear mind, well-liking, and approving the whole course thereof; except, quoth he, that the same be not already, by former laws provided for; and hereunto he further added, that if any man should say, That the Papists do not err in saying or speaking so slanderously of her maj. the same to be taken also as Treason. For the additions which concerned the first which did clearly respect the time past, as to make Treason of a fault already committed, which at the time of the perpetrating of the same offence, was not in the same degree; it was a precedent most perilous, which might occasion such and so great evils, as easily might not be conceived. Of present time, man's wisdom might judge; future times man's policy may reach to: but to call again the time past, or to raise what is dead in any kind, man may not; nor, in reason, is it to be presumed. The like, he said, had not been seen; and where he hath read thousands of laws, yet did he never find such a precedent. An extremity rare, and never practised, no not in these the greatest matters of faith and religion, that we do now so earnestly treat of. The enemy to God and our state (the Papists I mean) is most hateful. Yet is no man so hardly bent, as to have them punished, much less to suffer death, for what is passed. Whether her maj. hath pardoned what is past, we do not know, and whether her highness's pleasure be that it should be talked of, no man yet hath made a report. Withal, it may haply occasion dislike between her maj. and the house, which were odious and hateful; but doubtless, he prophesied it would occasion peril, such and so great, that the greatest speakers therein, yea those who should give them most and best words, could give no warranties. Neither is it that the sequel thereof might be warranted for the right of a crown, which words may not be strained or straitned.—Thus much considered, and the prince being herein not as yet determined, he therefore advised, and more than so by words of vehemency urged stay. He farther said, that the penning of the first article of the Additions was clouded and involved with secret understandings, not to be understood, but by such as more curiously could, and more cunningly would, look thereinto than he. For matters of title of the crown, he said, he neither knew any, nor durst to intermeddle or take knowledge of any; and concluding, he said, that for obscurity of the sense, he must needs condemn the same, since that 'veritas est nuda, simplex & plana.'

Sir *Thomas Smith*, her maj.'s principal secretary, made mention, that the bill might be divided, lest the one might be the hindrance of the other.

Mr. *Norton*, in his accustomed manner of natural eloquence, first shewed that the as-

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sembly should be free of speech, so that the same did not exceed the bounds of loyalty; and as in speech free, so ought it also to be free of unjust slanders, and undeserved reproaches. For so much as might concern him, he protested that he neither thought, nor meant any other title than the sole preservation of her maj.; and to this end was he and the whole house (as he supposed) settled and bent; she being of this realm, not only in respect of our goods and lives the singular stay, but for truth and religion, yea of all Christendom not Magna, but in all the world Speciosa. And since that consultation is no other than 'consultare in commune,' he was as well to remove the surmice of ambiguity, as the slander raised of any doubleness in him; the words, quoth he, are plain, these and no other; that whatsoever person, during the life of her maj. hath or shall imagine, intend, or go about, the deposing, &c. them and their heirs to be barred of any title. And, saith he, where ambition hath once entered, such is the nature of the same, that never it will be satisfied: and the thirst for a kingdom is unquenchable. Withal, in common experience we see, that between two, for a small matter in suit, when it shall pass against the one, though by perfect trial, yet will he who loseth never acknowledge that he had either offered, or defended an injury. He said, for working of great matters, great time is required; and such a mischief, as to overthrow a crown, is not in a day compassed; and therefore what hereafter is thought, or meant to be executed, is already begun, compassed and devised. Time must therefore be taken, and therefore in time, and at all times, it is to be prevented. —Where it is said, the like hath not been seen, and a miracle made of it, as if there were never former precedents ever seen of the like, or ever heard of before. It is no longer since than in queen Mary's time, when to the parl. it was suggested, that the congregations in the city of London assembled, did use this kind of prayer to God, either to convert her, or confound her. Whereupon it was enacted, That every person whoso, and in such sort, had prayed, or whoso after should pray, should be taken for a traitor. The case of Bennet Smith is not so strange, nor so long since, but it may be remembered; his transgression was not such, nor so to be adjudged at the time of the offence perpetrated, as it was afterwards; yet by authority of parl. the offence precedent was from the old nature altered; and he, who before at the time of the offence, until the making of the law, was not to be privileged but by his clergy, was now by an act made after, by judgment executed. And since in the case of a private man, as was this of Bennet Smith, such consideration, and such good discretion was used, who can imagine it to be odious? Nay, who is it, that would not the like or greater care to be had of a prince, and especially of so good and virtuous a prince as she, of whom our conference is now? But yet we are charged with partial affection, unsettled minds, and doubleness. Whether this speech now be an offence to the house, he earnestly craved the judgment of the house. For that it might seem by the gentleman's earnestness who spake, that some one his friend, whom he was bent to serve, would be touched. Whereupon, for his own part, he eft-soons protested, he had no certain resolution with himself of any title, but was to be satisfied with the consent of that assembly; howsoever, adding further, if his motions might so sort, as they were liked, he offered this proviso to be added, That if any such person, who had made any such claim, shall disclaim and renounce all title during her highness's life, the same person, &c. to be then restored to the old estate.

Mr. *Comptroller*, after some declaration of grief, perceiving the matter grow to heat, as verily the greatest number of the house were more than moved with mr. Goodier's speech, and that men were disposed to talk at large of matters contrary or repugnant to the bill, moved that it might be severed; because the first part came in, and was exhibited to that house by her maj.'s learned council; the other was but the advice of a private man; which advice, though it justly deserved commendation, yet was it not, in his fancy, to be joined with that which came in other sort.

Mr. *Snagg* argued to this effect, That in making of laws, plainness of speech should be used, all intrapments to be shunned and avoided. And here he moved, why the statute of Edw. III. whereby it is enacted, That all such, who shall endeavour, compass or imagine the death of the king, &c. should be traitors, &c. should not be said sufficient, reaching as far, and comprehending as much, as this latter advice. For the regard of the time past, he said, he could have no good liking thereof, and what was practised in queen Mary's time (under correction) he took to be no charitable precedent; concerning the authority of the parl. he did conclude nothing, but said it was a prevention.

Sir *Francis Knolles* shewed, That he could not utterly dislike the conjoining of the additions, sith that they rise all of one ground, and that they both are good and charitable; whereof he acknowledged her highness to have intelligence, and the cause already to have been in conference by her counsel. And for the word 'hath,' he saith it contained no such absurdity, but with good zeal it might be maintained. And therefore such vehemency and sharpness of speech was more than requisite, yea more than convenient. And as for the obscurity, he said, of men that would mean well, it could not be misconstrued; and to stay or prevent devices past, he thought it but honest policy, which being otherwise used in a prince's case, is not to be disliked. He remembred her highness's unwillingness to punish such offences, and therefore though the law be sharp, yet such is her mildness,

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that if any have offended for so much as may concern her person, surely he thought it would not be executed; and her clemency tempered with authority could never grow to cruelty, wherein what his conscience was, he thought not fit to make further shew thereof; but simply and plainly he would deal herein, not meaning to treat in such sort, as if he thought to deserve thanks, or any thing of her maj.; for what he did, he did it also as mindful of his own safety.

Another spake (whose name is not expressed in the aforesaid anonymous Journal) shewing the weight of the matter, which was then in hand, to rest as well on the general safety of the subject, as on the preservation of her maj.'s person; and therefore he could not but approve the effect of the whole, both in Bill and addition; albeit for the pains in the Bill he was somewhat variant from that which was there offered, and in the understanding of some words he was doubtful; as for the word 'compassing,' he made some question; of this, 'bodily hurt,' he had no perfect intelligence, since the hurt of body may grow by grief of mind, and grief of mind perhaps by small cause. He also said, that saving in the statute of 27 H. 8. he hath not read it. But further, he said, that he that would not allow her for lawful queen, in his conceit, should also be called a Traitor; but for the speaking of those most slanderous words of Heretic, Infidel, Schismatic, he would not any man to be for the first offence taken as a Traitor; for that the not acknowledging of the Supremacy, being a far greater offence, is but the pain of Præmunire. And therefore, except the same offence also might be made Treason, he could not like thereof. But if it should so seem to them good, that it should be as he indeed wished, then was he well pleased to put them both to one predicament. And for the word 'Heretic,' he said, that the papists all, of force must be forced to say, her maj. is one; or that they themselves must be content to carry the name, and to be noted *nomine*, as they are *re et veritate* heretics, which name they willingly will not bear. He further said, that with the rest of those words of slander, he thought it might do well to insert the name Papist. That if any man should say her maj. to be an Infidel, Papist, or Heretic, &c. to be a Traitor; for that some say, there are in these days that do not spare to say, her maj. is of another religion than is published; and that it is the sole doing of the counsellors, whereby the doctrine (in sort as it is) is thus published, and not her's. He also added, that his wish was, that no man might be attainted of these words, except the speech or publication might be testified by two witnesses. For the Additions, he said, assuredly they might not be severed from the first bill, not only as they are matters materially depending on the first, but stretching so far to the maintenance of the first, that without them the first may seem to be nothing. For, said he, there can be no remedy provided, except the cause of the grief be known, and the same cause removed; wherein the Rebels of the north gave clear experiment: for doubtless, when they pretended Reformation of Religion, they thought to rend up the ground, and subvert the stay thereof, which was her maj.'s person; and by them he wished us to learn at last, and to wax wiser. He said, the court of chancery will straitly decree for saving and quiet keeping of a quiet possession, often looking to ordering things before past, and shall not the court of parl. do the like for the title of the crown? And the ancient laws of the realm, he said, do maintain the same, as long before the 35 Hen. 8, the stat. 5 Ed. 3, in such like cases hath ordained, that the heir of the father's offence shall be punished; *consule locum citatum*.

Mr. *Mounson* said, it were horrible to say, that the parl. hath no authority to determine of the crown; for then would ensue, not only the annihilating of the statute 35 H. 8, but that the statute made in the 1st of her maj.'s reign, of Recognition, should also be laid void; a matter containing a greater consequence than is convenient to be uttered.

Mr. *Honeage* said, that either the bill for Addition should be severed, or both to be referred to the queen's learned counsel, to consider of the conveniency thereof; and then by them to be exhibited, &c. but of his opinion he yielded no further reason.

Mr. *Long*, a young gent. would have proved the word, have, and a regard of the time past, not to be amiss, for that at the time of the offence the malice of the offender was as great as it is at this present.

Mr. *Fleetwood* endeavoured to prove the overcharging of the bill with larger words than were convenient, and more provisoes than were to the purpose, to have been the overthrow of that which was truly meant; wherein the cunning adversary, when he knoweth not how to subvert directly, will by this means easily and subtilly insert more, pretending a face of more forwardness than the rest, when indeed his heart is bent to the hindrance of the whole. For proof and experience hereof, he remembred the cunning prelates in Hen. IV. and afterwards in Edw. IV's, time, when Edw. required the Suppressing of all such Abbies, as Hen. 6, had erected. To hinder this, contrary to the king's meaning, some would needs add the colleges in Cambridge, which by him were also founded; to which, when by no means the house could be induced, as well the intent of the first, as of the last, was subverted.—The like he remembered also of the 2d year of Hen. 7, in matter of Treason, which all men would have yielded unto; the counterfeit friend heaped in, to give the king free liberty of restitution to whom he would, of all, both goods and possessions, whereof the inconveniency being seen, stay was made of the whole. So that, what men may not do directly, with face of further friendship they do covertly. He concluded therefore, it

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were well, and most safe, to make two bills, and to be referred to the queen's learned counsel, as Mr. Heneage had well divided.

Mr. serjeant *Manwood*, first answering the meaning of the words 'bodily hurt' said, it must be intended when violence and force is done or offered to the body, and not otherwise, or elsewhere. And whether the words of slander should be Treason, he thought that there was great reason they should be; for, quoth he, who so shall affirm her highness to be an heretic, doth doubtless wish her the pains of an heretic, viz. to be burnt, &c. He further would have to be added to these words of the bill, That whosoever shall affirm himself to have title, &c. to be a Traitor. He was of further opinion, that it should be no clogging to the bill, to have matter of the same nature added; being also provided for the same purpose, as good, consequent, and necessarily concurring with the effect of the bill. And for the authority of the parl. he said, it could not, in reasonable construction, be otherwise, for whoso should deny that authority, doth deny the queen to be queen, and the realm to be a realm.—After some further debate, the business was referred to a committee.

*Bill for the Suppressing of Simony.*] April 13, the bill for suppressing of Simony in Presentations to Benefices was read the first time, on which mr. Snagg observed, "That the cause of the slanders, which the papists have against the church of England, in that that they say coblers, taylors, tinkers, millers, &c. are of the ministry, groweth hereby, that the Livings are detained by the Patrons from the spiritual, in their own hands, to their own private uses; whereas the first original of the creation of Patronages being considered, it appeareth that nothing is left to the patron of right. The manner of their original he shewed at large, and that the same was granted 'Deo et Ecclesiæ;' and concluded that the patron had nothing of worth or value, but a bare nomination, if it be truly used; since that, dealing sincerely, he is neither to respect commodity, blood, affection, friendship, nor any thing else, but the worth and sufficiency of the man, &c."

*A Bill relating to Vagabonds.*] The same day the bill against Vagabonds was read a first time, and, though not usual in such cases, divers speeches ensued, of which this is an abstract:

Mr. *St. John* moved, that an old bill, before this time exhibited into the lower house, concerning this matter, might be perused.

Mr. *Sandys* endeavoured to prove this law for Beggars, to be over sharp and bloody, standing much on the care which is to be had for the poor; saying, that it might be possible with some travail had by the justices, to relieve every man at his own house, and to stay them from wandering. This experience he shewed, and what was done in the county of Worcester.

Mr. *Treasurer* talked to this effect, that he would have a bridewell in every town, and every tipler in the county to yield 12d yearly to the maintenance thereof.

Mr. *Wilson*, a Master of the Requests, argued thus, that Poor of necessity we must have, for so Christ hath said, until his second coming: and, as true it is, said he also, that Beggars, by God's word, might not be amongst his people: 'Ne sit mendicus inter vos.' His experience he shewed through the greatest part of Christendom, concluding, that such looseness and lewdness was no where as here: he said, it was no charity to give such a one as we know not, being a stranger unto us. Thus, said he, did the Locrenses constitute by their laws. Even as of thieves did the Grecians judge of them. To the pain of the constables for their remiss dealings, he wished might be conjoined imprisonment.

*Debate on a Bill for reforming the Common Prayer.*] April 11th, the bill for Reformation of the Book of Common Prayer was prepared by mr. Strickland, and read a first time, which occasioned another debate:

Mr. *Treasurer*, of her majesty's household, reasoned to this effect, that if the matters mentioned to be reformed were heretical, then verily they were presently to be condemned; but if they are but matters of ceremony, then it behoveth us to refer the same to her maj. who hath authority, as chief of the Church, to deal herein. And for us to meddle with matters of her prerogative, quoth he, it were not expedient. Withal, he said, what cause there might be to make her maj. not to run and join with those who seem to be most earnest, we are not to search; whether it be, for that in time and order she hopeth to bring them with her, or what other secret cause or scruple there might be in the heart of princes, it is not for all people to know.

Mr. *Comptroller* argued to this effect, as afore, commending the zeal, but that the place and time were not fit. And since we acknowledge her to be supream head, we are not in these petty matters to run before the ball, which to do, and therein to offend, were great folly; how forwarned we were herein, he did then refer to our consideration, insinuating in some sort, that our heady and hasty proceedings, contrary to and before the law, did rather hinder than help. Hereupon

Mr. *Pistor*, with a grave and seemly countenance, and good natural eloquence, shewed how conscience enforced him to speak; and rather to hazard his credit than to the offence of his conscience be silent. Albeit he would acknowledge willingly, that many hundreds of that hon. and worshipful assembly, were able to teach him, and he indeed willing to learn of them all. The matter of his grief was, that matters of importance standing us upon for our souls, stretching higher and further to every one of us than the monarchy of the whole world, were either not treated of, or so slenderly, that now after more than ten days con-

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tinual consultation, nothing was thereon concluded. This cause he shewed to be God's, the rest are all but terrene, yea trifles in comparison; call you them never so great, or pretend you, that they import never so much; subsidies, crowns, kingdoms, he knew not, he said, what they were in comparison of this; this, he said, I know, whereof he most thanked God, 'primum quærite regnum Dei, & cætera omnia adjicientur vobis.' This rule is the direction, and this desire shall bring us to the Light, whereupon we may stay, and then proceed unto the rest; for in his word, and by him we learn, as saith st. Paul, to correct, reform, &c. Our true home certainly is not here, 'Non habemus hic permanentem civitatem:' and the justice of God moved terror unto all, which he seemed to mean concerning the bill before-mentioned of Strickland's Propositions. And so did set it forth with vehemency, that there lacked no modesty; and with such eloquence, that it neither seemed studied, nor too much affected, but grave and learned throughout, and no whit too long, but very well approved of. After him followed

Mr. *Snagg*, and far after him indeed, either for order, proof, or matter, he entered into the discourse of Strickland's Articles, and seemed to maintain them; this namely, not to kneel at the receiving of the Communion, but rather, if a law thereof should be made, to lie prostrate, to shun the old superstition; or otherwise to set every man at liberty, and in this behalf to do according to his conscience and devotion, he judged it to be nothing derogatory or contrary to the prerogative; and the direction, he thought fit to be left out of the book, which should be a law, &c.—After which arguments, it was, upon the question, agreed, That a Petition should be made by this house unto the queen's maj. for her licence and privity to proceed in this bill, before it be any further dealt in.

*Debate on a Bill against Licences, &c.*] The same day the bill against Licences and Dispensations, granted by the abp. of Canterbury, was put to the question, Whether it should be read or no? It was over-ruled in the affirmative, and had thereupon its first reading. After which,

Mr. *Alford* spake against the bill; and endeavoured to prove, that Licences for marriages in some cases might be needful, and that Dispensations also for non-residence might, upon some occasion, be of great necessity; as if a minister should be employed upon some foreign ambassage, or other matter of great weight.

Mr. *Yelverton* spake very vehemently in maintenance of the bill, alledging, that, as he thought, no good Christion could be against it; in respect that by the very words of the bill it appears, that it was only framed for the suppression of such Licences and Dispensations, as were contrary to the word of God.

Mr. *Dalton* spake next against the bill; and grounded his opinion only upon this vain supposition, that a bp. can do nothing contrary to the word of God.

Mr. *Manwood* spake very judiciously and moderately, allowing well the scope and meaning of the law; but wished, that in respect it mentioneth the redress of many grievances, those same grievances might first be particularly made known to the house, before the bill were any farther proceeded in.

Mr. *Fleetwood* approved the bill, yet spake not directly for it; but very covertly gurded at the Ecclesiastical Judges, and the Office of Faculties; shewing also, that livings are given to ministers for the instructing the king and his people, and for the keeping of house, and other deeds of charity. All which, if they were absent by dispensation, he inferred must of necessity be neglected.

Serjeant *Lovelace* lastly, as it should seem, concluded further speech in this business, shewing the use and commodity of this bill; but doubted that there was not power enough given therein, nor sufficient remedy provided for redress of the mischiefs thereby supposed to grow, by reason of the granting the aforesaid Licence and Dispensations. Upon which, it should seem, that some members of the house were appointed to consider of the said bill, but their names are not found in the original Journal Book of the Commons, or in that before cited anonymous Journal, out of which both the preceding and ensuing speeches are transcribed.

Mr. *Norton* made a motion by warrant of this court, by the wisdom and godly care which in matters of weight was to be employed, That to avoid the shameful and most hateful usage amongst the ecclesiastical judges, for delivering of clerks convict upon their oaths, and the manifest perjury there, by their law against the law, committed, some order might be taken. He proved it might not be said a liberty of the church, except they will claim a liberty to sin; wherein indeed their principal liberty hath stood, and for the which they have not spared to hazard, nay to give, both their bodies and souls to become traitors to God and man.—Thus did that rebel, bp. Becket, whose principal quarrel and chief cause of all his stir, was, that the king would have punished one of his mark, a priest, for an abominable incest committed by him: which trifling fault (forsooth) this holy saint could not endure to be rebuked of by a temporal judge. 'Et hinc illæ iræ.' He shewed, it could not be termed a privilege, and encouragement to learning, since it was no other but a cloak for their naughtiness, and for such as might be of the pope's sect. As well appeared, in that it was allowed to none but to such as might enter their holy orders, and not to one that had two wives. He shewed at large the circumstance of their practised order upon the purgation of such clerks, declaring of truth, so disordered and hateful doings, that the whole house resolved to take care for redress.

The parliament was then, by the consent of

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the house, for that it was Easter-eve, adjourned until Thursday next; and it was agreed, that they should from thenceforth come to the house at 7 of the clock in the morning. During which said time of Easter, mr. Strickland, so often before mentioned, for the exhibiting the bill for Reformation of Ceremonies, and his Speech thereupon, was called before the Lords of the Privy Council; and required to attend upon them, and to make stay from coming to the house in the mean season.

*Debate on the Bill for the Validity of Burgesses not resiant.*] April 19th, the bill for the Validity of Burgesses not resiant, was read the 2nd time; upon which ensued divers arguments. The first man that spoke effectually to this bill, was

Mr. *Warnecomb* of Hereford; who standing up, said to this effect; that it behoveth all those which were Burgesses, to see to that bill, for, quoth he, this may touch and overreach their whole liberties, as not having whereunto to stay; but that lords letters shall from henceforth bear all the sway.

Mr. *Norton* first made explanation of the meaning of the bill, to be, he said, to shame the imperfection of choice, which is too often seen, by sending of unfit men; and lest happly any thing might be objected to the imperfection of the parl. which may seem to be scant sufficient by reason of the choice made by boroughs, for the most part of strangers. (Whereas by the positive law, no man ought to be chosen Burgess for any borough, but only resiants and inhabitants.) He said further, that the choice should be of such as were able, and fit for so great a place and employment, without respect of privilege of place or degree; for that, by reason of his being a Burgess, it might not be intended or thought he was any thing the wiser; withal, he argued, that the whole body of the realm, and the good service of the same, was rather to be respected, than the private regard of place, privilege, or degree of any person.—Then mr. Speaker moved the opinion of the house, whether they could like the bill should be ingrossed? and coming to the question, some said, no; but the greatest number seemed to say, yea.

Whereupon one standing up, whose name is not expressed, said thus. I run wholly with the pretence of the bill, that Boroughs decayed may be eased or relieved, knowing assuredly the same honourable for the realm, and in many respects profitable and commodious to those who do inhabit the countries adjacent to such decayed towns; that it is so, I will not stand to persuade. How far this law may help them I know not; if they be decayed, then it is most fit for them, that of their own company there may be some, who feeling the smart, can best make relation of their estate; and knowing the country, may devise and advise of such helps, as without the hurts of other places may restore the old ruins. All things are in change, and nothing so suppressed, but by God's grace the same may in time by policy be raised up. But, to open my meaning shortly, the question is, What sort of men are to come to this court, and public consultation in parl.? whether from every quarter, country, and town, there should come (as I might say) home-dwellers, or otherwise men chosen by directions, it forceth not whom? I am surely of mind, that neither for the good service of her maj. safety of our country, or standing with the liberty, which of right we may challenge (being born subjects within the realm) this scope is to be given; or such looseness in choice to be permitted. That the whole land of this realm, we know, is to be for 3 purposes employed, and thereby 3 sorts of men are, as it were, created.—The one part given in Frank Almoigne, or for Divine Service to be used, to the glory of God and ministry of his word.—The 2nd part to be holden for Defence against our enemies, by the sword.—The 3rd for Maintenance of our Livelihood at home, and for necessary employments here. Of these 3 grounds, in the first division there groweth, to our knowledge, 3 sorts of men: the ministers and teachers of the gospel, of whom we must have care, and with whom, in making of laws, we must confer, if we will be Christians. The 2nd are the nobility, knights, and soldiers, the defenders and fortresses against our enemies. The 3rd sort be the providers, devisors, and executors of all things necessary, commodious, or seemly for a settled estate (which hath the happiness to live there where are 'pax et justitia') for increase of our wealths, sustenance of our laws, the governing of bodies, or what else soever is necessary for us: such are the counsellors, such are the judges and ministers of the laws, such be the tillers of the earth, such be merchants, such be victuallers, and in this degree be those who do use manual and mechanical arts. Of all these, in like sort, as of the others, regard, care, and respect must be had; they throughly consulted with, the general and particular states are by them to be known, if we mean to proceed for the public weal, or endeavour in the same a true perfection. These last sort making one kind are most ample, and thereto most effectual to be dealt with, as yielding to the rest 'supplementum, consilium et auxilium.' The 2nd sort is likewise most necessary to be thought of. The first are best, and first to be followed; but those are all to be in one knot conjoined, and as members of one body in one to be used. We may, in regard of religion, lie in the dike (as the proverb is) long enough without our own aid, if we do nothing but pray for the help of Hercules. We may not trust only to the sword, lest the common known saying of Cicero should turn to our shame: 'parva sunt foris arma, nisi consilium domi.' Neither our preaching nor our praying to God are only sufficient, but withal we must do our endeavours, and help each other; since for the driving away of a dog there is (as the countryman saith) some virtue in a stone, if it be conjoined with st. John's gospel; I mean, that every part of the body should do

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his own part to the aid of the other; and the hand to help the hand, the foot to help the foot, &c. This hath moved our forefathers, and on this ground hath it grown, that in this court where we are to consider of all, and (as occasion may serve) to alter, constitute, or reform all things, as cause shall be, that we do know all sorts of men, so far as may be to help all. How may her maj. or how may this court know the estate of her frontiers, or who shall make report of the ports, or how every quarter, shire, or country is in state? We who never have seen Berwick or st. Michael's Mount, can but blindly guess of them, albeit we look on the maps that came from thence, or see letters of instruction sent; some one, whom observation, experience, and due consideration of that country hath taught, can more perfectly open what shall in question thereof grow, and more effectually reason thereupon, than the skilfullest otherwise whatsoever. And that they should be the very inhabiters of the several countries of this kingdom, who should be here in times certain employed, doubtless it was the true meaning of ancient kings and our forefathers, who first began and established this court. But, leaving what I cannot reach unto, the first constitution and freedom of this court, the old precedent of parliament writs do teach us, that of every country their own burgesses should be elected; the writ to the sheriff and borough is directly so; and the writs to the cities being counties, are, 'quod ex vobis ipsis elegatis duos cives', &c. which do prove it to be so; the statute in the 1 Hen. V. for the confirmation of the old laws was therefore made, and not to create a new unknown law; and that other in the — Hen. VI. was made to redress the mischief, which by breach of that old law did grow. These do conclude it without contradiction, that for that time it was thought fit to continue the ancient use, liberty, and conveniency of service. We know that such as have spent their whole time in service, or have seen only the manner of govt. of other nations, and can tell you how the crown of France is delivered out of wardship; or otherwise tell a tale of the king of Castile and Portugal, how they in making of laws do use their own discretion; the king of Denmark useth the advice of his nobles only, and nothing of his commons; nor can paint you out the monstrous garments of the common people in some parts of Germany, or the mangled commonwealth of the allies, or shadows of the great cities, which now are to be seen in Italy; surely all those men, except they know also our own homes, are not to be trusted to conclude for our own home affairs. Doubtless the best learned for matters of commodity to be raised, or to be wrought in his own country, may happily give place to his own neighbours; even as wisely and learnedly a gent. said of late, in every commitment, according to the matter, there must be a declaration of men, as for merchandize, the merchant, and so forth: 'unicuique in suâ arte perito credendum,' we hold for a maxim. And I mean this wholly to no other end, but since we deal universally, for all sorts and all places, that there be here of all sorts, and all countries, and not (seeing you list so to term it) thus to ease them of towns and boroughs, that they may choose at liberty whom they list; yet can I hardly call that a liberty which is contrary to that which the king and the queen commonly granteth as a free gift, and by these words, 'et de majori gratia nostra, &c. dedimus potestatem, &c. quod de seipsis eligant duos burgenses, or duos cives;' we take it more for a man to have of his own, than to have (by any man's discretion) of another.—It hath been of late oft and well said, that to nominate another to a benefice is nothing worth in value; but if it be, that a man may take the benefit himself that is both valuable and estimable; that cannot hurt, that is ever good for me, if it be ever tied in nearest sort unto me; and for this reason we say in law, that the estate Tail, which must continue in our own blood, is better than the estate in Fee simple, which may be got further from us, and is to be given to strangers at pleasure; mischiefs and inconveniences there may grow by this liberty; but a mischief it may be to me, and inconvenient also to utter the same: I will not speak thereof but dutifully, neither do I see any thing that is amiss at this present; what was done a hundred years since, I may safely tell; and thus it was: a duke of this realm wrote his letters to a city, which I know, to this effect; whereby he did signify, that a parl. was to be summoned in short time, and that for great causes he was to crave aid of all his friends; and reckoning them amongst the rest, he wished them of four under-nominated to choose two; the letter under the duke's seal is still preserved; but hear you the answer; he was written to with due humbleness, that they were prohibited by law, they might choose none of them.—I will venture a little nearer. In queen Mary's time, a council of this realm (not the queen's privy council) did write to a town, to choose a bishop's brother (and a great bishop's brother it was indeed) whom they assured to be a good Catholic man; and willed them to choose to the like of him some other fit man. The council was answered with law. And if all towns in England had done the like in their choice, the crown had not been so wronged, and the realm so robbed with such ease at that parl. and truth banished as it was; what hath been may be; there is no impossibility. It will be said I mistake, it is not meant but that towns shall be at liberty to choose whom they list. I say, that liberty is the loss of liberty; for when by law they may do what they will, they may not well deny what shall be required. It is too truly said, 'rogando cogit qui rogat potentior.' And I have known one, that to avoid a great man's displeasure, that dwelt near him, that was desirous, as he knew, to buy his land, did, upon small occasion, bind

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himself not to alienate his land from his true heirs: this being known, I mean that he was bound as aforesaid, the great man was contented to let him keep his own quietly, which otherwise he would not have done. Surely law is the only fortress of the inferior sort of people; and contrary to the law, the greater sort will not desire to expect any thing. Though now at this present, God be praised, we need not to fear the greatness of any man, justice is so well administered: yet hereafter, whatsoever hath been we may fear, either for maintenance of faction, or maintenance of mischief. Again, I say, it may be, what heretofore was, possibly again may be. We stand, and have stood of late upon the notorious manifestation of the authority of parl. except withal you keep the ancient usage of the same, and withal endeavour the freedom thereof, in effect you do nothing, if I guess aright.—It is further said, that in some towns there are not men of discretion fit; they be not the wiser (said the gent. that spoke before) for being Burgesses. I can never be persuaded, but that either the lord, whose the town is, be the town never so little; or the steward, if it be the queen's, or some good gent. of the county adjoinant, will either assign them who know the town, and can be content to be free among them, and to serve by their appointment, for their country, and for them; or else for some reasonable fee, such as be of their learned council, and who know them, and the country will deal for them. I mean it not so strictly, that those who should be chosen should of necessity be dwellers in the town; but to be either of the town, or towards the town, borderers and near neighbours at the least; and to this effect I would the bill were framed. I stand too long hereon, and abundance of matter occasioneth confusion; this is all. It was meant at the first, and first constitution of parl. that men of every quarter, and of all sorts, should come to this court, that they should be freely chosen. This in every age hitherto hath seemed best; to alter without cause is not convenient; to give every town liberty, may offer in time inconvenience. None so fit for every country as those who know the same. To choose of their own, it is a liberty; to lose their liberty, I think it a bad commodity, call it as you please; by such kind of release in easing men of their wealths, or some good part of their living, we beshrew our charity. And in like sort, and in like reason, it seems to me this law is inferred out of the preface of the same. For thus it is penned, "forasmuch as some towns are decayed, and have not of their own, therefore let every town do what they list." Of a particular proposition to make a general conclusion, it is against our rules; and nothing, as saith the philosopher, is more absurd than 'non causam pro causa.' Some towns cannot send fit men; it standeth very strongly, if you seek to help, let the plaister be fit for the sore: let not the salve be stretched too far, lest the whole and sound flesh, by the broad spreading of the salve, do either smart, fret, or fester. The medicine which healeth the sick man may be poison for the whole and sound man. All citizens and burgesses should not be thought alike, and yet all provided for, as there is due cause. Let there be therefore convenient consideration, how to heal, how to hurt. And I could wish, according to the weight of the matter, it might be rather staid on than thus abruptly overruled; and while we fly Scylla we fall not into Charybdis; while we say that boroughs cannot send to this high court so fit men as be convenient, that by altering the ancient usage, which is the only warrant and sole stay of freedom in parl. it may happily be said we have no parl. now within this realm, nor liberty at all for any such here to be holden.

Mr. *Bell*, in answer to this, did collect the substance of what been said, and in a long discourse shewed, that it was necessary all places should be provided for, and not Boroughs only, being but one of the members of the commonwealth; and that some of them have neither wealth to provide fit men, nor themselves any in any sort convenient. He thought not amiss, if, in respect of those manifest wants, convenient supply should be; but, without the warrant of parl. such alteration might not be. He then thought it not amiss to be advised. And for the objection of the danger which may ensue by reason of the letters of noblemen; he could not, he said, but think it convenient to prevent the same; and therefore wished, that there might be the penalty of 40l. upon every borough, that should make such election at the nomination of any nobleman.

Mr. *Alford* reasoned to this effect, That above all things, necessary care ought to be for the chusing and having of fit men to supply the place, that there be not imperfection. And therefore noted one great disorder, that many young men, not experienced, for learning sake, were often chosen, through whose default he knew not; whether letters of noblemen, love or affection in the country, their own ambition, or the careless accompt of the electors, or what else was the cause, he knew not; but it was to be seen: whereupon he would, none should be of that house, not of 30 years of age at the least. And for the choice of townsmen, he said, he was of his mind, that Moses and Aaron should be conjoined together; and that there should be one of their own, or some gent. near them, who had knowledge of the state of the country; and the other a man learned, and able to utter his mind and opinion, since that knowledge locked up in the breast, not being orderly opened, is to no purpose; and this part, he said, was as requisite for consultation as the other. So that he seemed to conclude the law should be in force for the one burgess, and at liberty for the other."—After which speeches the aforesaid bill touching the Validity of Bur-



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gesses, &c. was ordered to be committed to sir Tho. Hilton, knt.; mr. Bell, mr. Rob. Bowes, mr. Fleetwood, mr. Wurnecomb, mr. Bedle, mr. Atkins, mr. Alford and mr. Gynes; and appointed to meet in the Temple-Church, upon Saturday next, at 2 in the afternoon.

*Debate on a Bill against Usury.*] April 19th, the bill against Usury was read the 2nd time, which occasioned another debate in the house. And, first,

Mr. *Clarke* spoke to this effect; That the referring of the punishment in the bill mentioned, being put to the ecclesiastical judges, for so much was nothing; for that they are to punish by the civil law, by the canon law, or by the temporal law. The civil law would not avail them, because by that law there is allowance of Usury. The canon law is abolished; and in that respect the temporal law saith nothing; so that the pretence may seem to be somewhat, but the effect thereby wrought is nothing; yet that it was ill, neither Christian nor Pagan ever denied. Aristotle being asked what Usury was? He said it was, 'præter naturam,' and therefore could not be defined. Plato, being asked the same question, answered it was, 'idem ac hominem occidere.' St. Augustine the same; and, in the very words of the Psalmist, answereth to the question, 'Domine quis habitabit in tabernaculo tuo?' He said, 'Qui curat proximo suo, non decipit eum, et qui pecuniam suam non dabit ad Usuram.'

Mr. *Molloy* shewed, what it might be thought on for any man to endeavour the defence of that which every preacher at all times, following the letter of the book, did speak against; yet, saith he, it is convenient, and being in some sort used, it is not repugnant to the word of God. Experience hath proved the great mischief which doth grow by reason of excessive taking, to the destruction of young gentlemen, and otherwise infinitely; but the mischief is of the excess, not otherwise. Since to take reasonably, or so that both parties might do good, was not hurtful; for to have any man lend his money without any commodity, hardly should you bring that to pass. And since every man is not an occupier who hath money, and some which have not money may yet have skill to use money, except you should take away or hinder good trades, bargaining and contracting cannot be; God did not so hate it, that he did utterly forbid it, but to the Jews amongst themselves only, for that he willed they should lend as brethren together: for unto all others they were at large: and therefore to this day they are the greatest Usurers in the world. But be it, as indeed it is, evil, and that men are men, no saints, to do all these things perfectly, uprightly and brotherly; yet, 'ex duobus malis minus malum eligendum;' and better may it be born to permit a little, than utterly to take away and prohibit traffick; which hardly may be maintained generally without this.—But it may be said, it is contrary to the direct word of God, and therefore an ill law; if it were to appoint men to take Usury, it were to be disliked; but the difference is great between that and permitting or allowing, or suffering a matter to be unpunished. It may be said, that 'nudum pactum non parit obligationem,' but there must be somewhat given in consideration. Let be that there is nothing given of the lenders, yet there is somewhat 'simile, & omne bonum exemplum, & omnis lex in se aliquid habet mali;' for that some body shall suffer thereby. We are not, quoth he, so straitned to the word of God, that every transgression should be surely punished here. Every vain word is here forbidden by God, yet the temporal law doth not so utterly condemn it. As for the words of the scripture, he said, the Hebrew soundeth thus in answer of this question; 'qui non dat pecuniam suam ad morsum:' so it is the biteing and over-sharp dealing which is disliked and nothing else. And this, he said, was the opinion and interpretation of the most famous learned man Beza, and in these days, of Bellarmine and divers others, who say, that the true interpretation of the Hebrew word is not usura, but morsus.

Dr. *Wilson*, Master of the Requests, first endeavoured to prove, that the common state may be without Usury; then he shewed, how even men that have been ignorant of God or his laws, finding the evils thereof by their laws, redressed it; and utterly prohibited the use thereof. As the Athenians caused all the writings taken for interest money to be burnt; and the like did Lycurgus by a law which he made, and seeing the fire, he said, 'he never saw so fair a flame as those books yielded.' He then made a definition of Usury, shewing it was taking of any reward, or price or sum, over and above the due debt. To make any thing of that which is not mine, it is robbery. Forthwith upon the delivery of the loan money, it is not mine. And the law is, that mutuum must ever be free. And here he shewed the difference between location and mutuum; the one implying a contract, the other none. He remembered, out of Ezekiel and other the prophets, sundry places of scripture; and vouched st. Augustine's saying, that to take but a cup of wine is Usury and damnable. This he seemed to say in answer to that which had been before pronounced, that it was not Usury except it were morsus.—He shewed that loss may grow by Usury; first, to the queen, then to the common-wealth. To the queen in this, that men not using their own money, but finding great gain in Usury, do employ the same that way; so that her customs must decrease: to the common-wealth, for that, whoso shall give hire for money, is to raise the same in the sale of his commodity. All trades shall be taken away, all occupations lost; for most men seeking most ease, and greatest gain, without hazard or venture, will forthwith employ their money to such use. He shewed it to be so hateful in the judgment of

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the common law, that an Usurer was not admitted to be a witness; nor after his death to the common sepulchre of Christians. And for that his discourse had been long, he inserted (as he said) this tale for recreation of the hearers.—"In Italy, quoth he, a great known Usurer being dead, the curate denied him the common place of burial; his friends made suit, the priest would not hear; in fine, the suitors bethought them of a policy to bring it to pass, that he might be buried in the church; which was this:—the parson of the church did accustomably use to carry his books daily from his house to the church on his ass; and the ass, by often going, needed not to be driven, but, knowing his journey, as soon as he was laden, would, of himself go to the church door: they desired the parson, his ass might carry the dead body; and where it should stay there it might be buried. To so fond a request the priest agreed; the body was laid on the ass, who, feeling a greater burthen than he was used to bear, did run towards the town, never staying until he came to the common place of execution." This tale merrily told, he again entered to his matter, and proved the condemnation of Usury and Usurers, by the authority of the Nicene, and divers other councils: he shewed, that the divines do call Usury a spider, a canker, an aspis, a serpent and a devil. He shewed how, in nature, the offences of homicide and usury are to be compared; and by examples proved the ruins of divers commonwealths, when such practices for gain are suffered, as that of the commonwealth of Rome, &c. The manner of exchange now used in London, and how much abuse he shewed; a thing in old time not practised, but by the king, as in Edw. III's time, when thereby the king obtained such treasure, and such excessive wealth, that it was first wondered at, then guessed that it grew by the science of alchymy. He here shewed the practice of the Low-countries of Germany, and namely the doings of fulchers to the very beggering of great and mighty princes; he avouched the authority of sir John Cheek in that place, concerning that matter; and the mind of the ancient English law-writers, who say that the offence of Usury in life the bishop is to punish; but after his death his executors shall not have his goods, but they appertain 'ad fiscum.' He concluded, that the offence, in his conscience, should be judged felony.

Mr. *Bell* said, this matter being so ample had occasioned much speech, and was for cunning men a fit theme to shew their wits and skills upon. Yet, saith he, it standeth doubtful what Usury is; we have no true definition of it. And, in our laws, we have little written thereon but this, 'usura non currat super infantem.' And not much more but to answer the objections, where it is pretended, that the not punishing of it by the temporal judge, may seem to be an approbation of it, or to leave it to the church may seem as if we had no care concerning it; for that to put over an offence to another judge, may not be so said, if to the church it may appertain, and they may well correct it. He further shewed, that the privilege of the church is by statute upon this point to be expressed, namely in the statute 'de articulis cleri.' He said, we must not curiously search Cicero's paradoxes, and pronounce that 'peccata sunt æqualia, hoc est, quod omne peccatum est peccatum;' and no further: but be every man, according to his transgressions, to make a reasonable pain; though he who stealeth 2d. doth as well steal as he who stealeth 100l. yet there are degrees; we have petit larceny, and that which is greater; both faults, both to be punished, both to be hated; but difference there is in punishing, even according to the greatness and smallness of the offence; for the one there is death, and for the other not so.—In the statute for punishing of Perjury, in the 5th of this queen, there are sundry degrees of perjury: not for that there is less perjury in the one than in the other; but that there is greater hurt occasioned in the one than in the other. In answer of the scripture, he said, the law of God is, 'if thou be stricken on the one cheek, to turn the other; or if thy cloak be taken away, to give also thy gown.' The literal sense is not to be taken, and, as there is cause, a reasonable construction must be. So he concluded, that though it were a sin, yet it was to be punished here on earth according to the good or bad, or rather according to the greater or lesser hurt which groweth thereby.

After which one, whose name is not expressed in the said anonymous Journal, endeavoured the answer of dr. Wilson, but with a protestation of his insufficiency; and then he shewed how the divines have not agreed what is Usury, but for his own part, he was to incline to the opinion of the learned of these days, whose interpretation of literal sense and skill of the tongues do appear; which took that for no Usury which is without grievance. He made a difference of the law of God concerning the divine majesty contained in the first table, and what is concerning man in the second table; saying, that nothing is to be said in that degree sin in itself, but by the circumstances; for so it is known whether it be good or bad. To kill is prohibited, yet sometimes not to kill is evil. Phineas killed, and was therefore commended. And thefts, at times, have been in scriptures approved. So likewise Usury is allowed of in the scriptures; but that it might be used to strangers only: albeit the chosen children of God amongst themselves might not use it. But let be, whether it be utterly unlawful, or in some sort to be tolerated, it is a question; and until it be determined for the common commodity and maintenance, let it be as hitherto it hath been used. And for the common sort of bargains of corn for cloth, silk for land, &c. what they be, whether Usury or no, we know not. That all should be well, it is to be wished; that all may be done well among men, it is beyond

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hope; for we are no saints, we are not of perfection to follow the letter of the gospel, 'Whoso striketh the one cheek,' &c. and this text, 'date nihil inde sperantes:' these are no express commandments. For the first, the law of nature doth direct, and for the other also the same law in effect maketh defence; surely there can be no sin where there can be no breach of charity. To do that therefore to another which we would to ourselves (the state, circumstance, and case to ourselves considered) is commendable, or not to be reproved; if we ourselves be to borrow, who is it that would not, in extremity, give a little to save much money? It is said, the Usurer doth or may grow rich: who hath disliked, in a commonwealth, that there should be 'homines boni frugi?' they may be considered, and may be good, more than for one purpose. He further stood on this, that God did not absolutely forbid Usury, which surely if it had been utterly ill, he would have done. And he added, that the common laws were cruel in their censures, and wished that they should be no more remembered than they are followed.

Serjeant *Lovelace* argued to this effect, that Usury was of money only, protesting that he hated all kind of Usury, but yet the greater the ill was, the more and more greatly did he hate the same. But to prohibit it with so sharp and extreme a law as to lose all, he thought it would be the ground of greater covetousness. Withal, he added, to prohibit the ill of covetousness in generality, were rash, void, and frivolous; since that the speech and the act itself is indefinite, comprehending all our actions and doings; and therefore, as utterly vain to prohibit it, in vain words of generality. To prohibit drunkenness, pride, envy, surfeiting, &c. were somewhat in some particular sort; to do it in generality, albeit that we know that it is every way damnable by the direct and written word of God, it were but folly. Of these great evils, (to the which man, of his nature, is born and made prone, and too apt) when we may not reach to the best, furthest and uttermost, we must do, as we may say, by degrees. As to say, there shall be no deceit, or slight in making of this or that kind of wares; that the husbandman shall till his arable land, and that he shall not keep above such a number of sheep; that there shall be no forestalling, regrating, &c. and this in particularity; whereas otherwise, generally amongst sinful men to prohibit this sin or that sin utterly on a pain, it may not be: but thus rather he that shall so sin shall suffer, or lose so much; whereupon he concluded, that there should be degrees in punishing of Usury; as he that should take so much, to lose, or be punished thus; he that shall take more, more deeply.

Mr. *Fleetwood* said, he had read the civil law, and of the common law somewhat; but how well he did understand it, he would not promise ought: what Usury was, he said, he was not to learn; call it, if we list, proxima homicidio, or how else by a description he forced not much; for if there were not civil law, it were not much to be accounted of for any certainty in this case thereby to be had; and the most ancient laws of this realm have taught us thereof somewhat; as the laws of . . . . . do make to us mention of Usury. So do the laws made in Lucius's time, and those of Athelred; whereby it was ordained, that witches and usurers should be banished. King Edward, the saint, referreth and appointeth the offenders herein to suffer ordalium. Then was there a great kind of Usury known, which was called torus, and a lesser known by the name of . . . . . Glanvile, in the book de legibus antiquis, maketh mention of an inquiry of christian usurers. In the tower, he said, he had seen a commission awarded to the master of the courts (he named not what courts) to enquire of Usurers, and the punishment of them, he said, was whipping; he said further, by scripture, he knew it was damnable; and therefore, whether it was good or not good, it was no good question. For the matter of implication, whether by the pretence of the law it might be intended that it was in any sort allowed; he said, it might be construed and compared there with the statute of Tithes; where it is said, 'that till for 7 years after Heath-ground broken up, no tithe shall be paid;' the construction hereupon is clear. He shewed also, that Usury was malum in se, for that of some other transgressions, her maj. may dispense afore with; but for Usury, or to grant that Usury may be used, she possibly cannot.

Mr. *Norton* shewed, that all Usury is biting; as in the word 'steal' is contained all kind of injurious taking away of a man's goods: and as slanderizing is said to be murthering or homicide; so is Usury justly ever to be said biting, they being both so correlated or knit together, that the one may not be without the other. He concluded, that since it is doubtful what is good, we should be mindful of the old saying, 'Quod dubitas ne feceris,' and for that 'Quod non ex fide est peccatum est,' therefore he wished that no allowance should be of it.—After which debate, the bill was committed to Mr. Treasurer and others, but their names are not mentioned.

*Debate relating to the Liberties of the House.*] April 20th there were some arguments started concerning the Liberties of that House, and about some untruths which had been reported of it. On which Mr. Speaker declared, 'That the queen had as good liking of this parl. as ever she had of any parl. since her maj.'s reign.'—The same day a bill for Fugitives, or such as were fled beyond sea without Licence, was read a first time; on which

Mr. *Wentworth* stood up, and put the house in mind of a speech made by sir Humphrey Gilbert some days before; he proved his speech (without naming him) to be an injury to the house; he noted his disposition to flat-

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ter and fawn on the prince, comparing him to the cameleon, which can change himself into all colours, saving white; even so, said he, this reporter can change himself into all fashions but honesty: he shewed further the great wrong done to one of the house, by a misreport made to the queen, meaning Mr. Bell; he shewed his speech to tend to no other end than to inculcate fear into those which should be free; he requested care for the credit of the house, and for the maintenance of free speech (the only means of ordinary proceedings) and to preserve the liberties of the house, to reprove liars, inveighing greatly out of the scriptures and otherwise, against liars. As this of David, 'Thou O Lord shalt destroy liars,' &c.

Mr. *Treasurer* signified his desire to have all things well; saying, he could not enter into judgment of any: but he said, it was convenient ill speeches should be avoided, and the good meaning of all men to be taken, without wresting or misreporting; and the meaning of all men to be shewed in good sort without unseemly words.

Mr. *Speaker* endeavoured an agreement and unity in the house, making signification that the queen's maj. had in plain words declared unto him, that she had good intelligence of the orderly proceedings among us; whereof she had as good liking as ever she had of any parl. since she came unto the crown; and wished we should give her no other cause than to continue the same, and added further her maj.'s pleasure to be, to take Order for Licenses; wherein she had been careful, and more careful would be.

*Debate on a Member being detained.*]—Mr. *Carleton*, with a very good zeal, and orderly shew of obedience, made signification how that a member of the house was detained from them (meaning Mr. Strickland) by whose commandment, or for what cause he knew not. But for as much as he was not now a private man, but to supply the room, person and place of a multitude specially chosen, and therefore sent, he thought that neither in regard of the country, which was not to be wronged, nor for the liberty of the house, which was not to be infringed, we should permit him to be detained from us. But, whatsoever the intendment of this offence might be, that he should be sent for to the bar of that house, there to be heard, and there to answer.

Mr. *Treasurer* in some case gave advertisement to be wary in our proceedings, and neither to venture further than our assured warrant might stretch, nor to hazard our good opinion with her maj. on any doubtful cause. Withal he wished us not to think worse than there was cause. For the man, quoth he, that is meant, is neither detained nor misused, but on considerations is required to expect the queen's pleasure, upon certain special points: wherein, he said, he durst to assure that the man should neither have cause to dislike or complain, since so much favour was meant unto him as he reasonably could wish. He further said, that he was in no sort stayed for any word or speech by him in that place offered; but for the exhibiting of a bill into the house against the Prerogative of the Queen; which was not to be tolerated. Nevertheless the construction of him was rather to have erred in his zeal and bill offered, than maliciously to have meant any thing contrary to the dignity royal. And lastly, he concluded, that oft it had been seen, that speeches have been examined and considered of.

Sir *Nicholas Arnold*, with some vehemency, moved, that care might be had for the liberty of the house; he was enforced, he said, rather to utter, and so to run into danger of offence of others, than to be offended with himself.

Mr. *Comptroller* replied to the effect Mr. Treasurer had before spoken.

Mr. *Cleere* told, how the prerogative is not disputable, and that the safety of the queen is the safety of the subjects. He added, how that for matter of divinity, every man was for his instruction to repair to his Ordinary, being a private man; (where he utterly forgot the place he spake in, and the person who was meant; for that place required and permitted free speech with authority, and the person was not himself a private man but a public; by whom even the Ordinary himself was to be directed.) He concluded, that for as much as the cause was not known, he therefore would the house should stay.

Mr. *Yelverton* said he was to be sent for, arguing in this sort. First, he said, the precedent was perilous, and though in this happy time of lenity, among so good and hon. personages, under so gracious a prince, nothing of extremity or injury was to be feared; yet the times might be altered, and what now is permitted, hereafter might be construed as of duty, and enforced even on this ground of the present permission. He further said, that all matters not treason, or too much to the derogation of the imperial crown, were tolerable there; where all things came to be considered of, and where there was such fulness of power, as even the right of the crown was to be determined, and by warrant whereof we had so resolved. That to say the parl. had no power to determine of the crown, was high-treason. He remembered how that men are not there for themselves, but for their countries. He shewed, it was fit for princes to have their prerogatives; but yet the same to be straitened within reasonable limits. The prince, he shewed, could not of herself make laws, neither might she by the same reason break laws. He further said, that the speech uttered in that place, and the offer made of the bill, was not to be condemned as evil; for that if there were any thing in the book of Common-Prayer, either Jewish, Turkish or Popish, the same was to be reformed. He also said, that amongst the Papists it was bruted, that by the judgment of the council, Strickland was taken for an heretick; it behoved therefore to think thereof.

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Mr. *Fleetwood* first shewed the order of civil arguments from the cause, to this effect, that time must be known and place observed. He said then, that of experience he could report of a man that was called to account of his speech in 5to of this queen; but he said, he could not meddle with so late matters, but what he had learned in the parliament rolls, he thought convenient should be known and considered of. In the time of Hen. IV. a bp. of the parl. was committed to prison by commandment of the king; the parl. resolved to be suitors for him. And in Hen. V. the Speaker himself was committed, and with him another of the house; the house thereupon stayed, but remedy they had none, other than to be suitors to the king for them; whereupon he resolved, that the only and whole help of the house for ease of their grief in this case; was to be humble suitors to her maj. and neither send for him, nor demand him of right.—During which speech the Council whispered together, and thereupon the Speaker moved, that the house should make stay of any further consultation thereupon.

*Debate on the Bill for coming to Church and receiving the Communion.*] April 21, a Proviso was offered to be made to the bill for coming to Church and receiving the Communion. Which being read a 2d time, divers arguments were used on it.

Mr. *Aglionby* argued, that there should be no human positive law to inforce conscience, which is not discernable in this world. To come to the Church, for that it is public, and tendeth but to prove a man a christian, is tolerable and convenient; and not to come to a Church may make a man seem irreligious, and so no man; for that by religion only a man is known and discerned from brute beasts; and this is to be judged by the outward shelv. But the conscience of man is eternal, invisible, and not in the power of the greatest monarchy in the world, in any limits to be straitened, in any bounds to be contained, nor with any policy of man, if once decayed, to be again raised. He shewed, that neither Jew nor Turk do require more than the submission to the outward observance, and a convenient silence, as not to dislike what is publicly professod; but to inforce any to do the act, which may tend to the discovery of his conscience, it is never found. He shewed the difference betwixt coming to Church, and receiving the Communion; the one he allowed to be incomprehensible in law, the other he could not allow. And in answer of that which before had been said, that the conscience was not straitened, but a penalty of the loss of their goods only adjudged; whereof, no doubt, the law of God and the law of nations had given to the prince an absolute power; he said to this, out of 'Cicero de Legibus,' that man out of his own nature is to care for the safety of man, as being reasonable creatures, and not the one to seek to bereave the other of his necessary livelihood, adding out of the same book, this saying of Tully, 'qui Deum non curat hunc Deus ipse judicabit.' He shewed out of st. Paul, that we must not do ill that good may grow thereby: we must not take from him that is his, to the end thereby to make him to do what is not in his power; to be fit for so great a mystery God above of his free gift may make a man. To come unworthily the penalty is appointed, st. Paul hath pronounced it to be death and damnation, as guilty of the blood and death of Christ. Not to come our compulsory law shall now condemn, so that this our favour herein to be extended, is either to beg, or be exiled from our native country. He said, there was no example in the primitive church to prove a commandment for coming to the Communion, but an exhortation; he said, st. Ambrose did excommunicate Theodosius, and forbid him to come to the Communion, because he was an evil man. And for us to will and command men to come, because they are wicked men, it is too strange an inforcement, and without precedent.

Mr. *Agmondesham* made mention of a decree in the Star Chamber, made by 9 of the Privy Council, signed with their hands, and the hands of the chief justices, concerning the receiving of the Communion by gentlemen of the Temple. This decree, made by so grave and learned men, he thought for himself, and to his own conscience, was a stay what to judge, and a direction or precedent what to follow: the tenor of which decree, for so much as it did concern the reformation of the houses of courts, and principal places to be thought and considered of, he wished might be inserted into the law. The motion was well liked, and he required to bring the same the next day, which was done.

Mr. *Norton* shewed, that where many men be, there must be many minds, and in consultations convenient it is, to have contrary opinions, contrary reasons and contradictions; thereby the rather to wrest out the best: but this by the rule of reasoning, and reason must be 'sine jurgiis:' he then said, that not only the external and outward shew is to be sought, but the very secrets of the heart in God's cause, who is 'scrutator cordium,' must come to a reckoning. And the good seed so sifted from the cockle, that the one may be known from the other. A man baptized is not to be permitted among us for a Jew. And here somewhat slipping from the matter in speech, he moved, that all suspected for papistry might make this oath, 'that they did acknowledge the queen to be queen, for any thing the pope, in any respect, might do, noting some imperfection in the former oath.' To this end, quoth he, are the bulls now sent to discharge men of their allegiance, and to give free pardon of sins; so that he, who thus should be pardoned, should from henceforth in no sort communicate with the professors of the gospel; and now, quoth he, the very touchstone of trial,

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who be those rebellious calves, whom the Bull hath begotten, must be the receiving of the Communion; which whoso shall refuse, we may justly say, he savoureth, &c. And men are not otherwise to be known but by the external sign. To answer and satisfy the dilemma objected before in the first day, made concerning the disorders of certain ministers, in saying of the service contrary to the instruction of the book; he wished this proviso might be added, that mistaking of chapters, misreading, &c. should be recovered as no offence, so that there be no mass-song, or popish service used in Latin, &c.—And thus the bill rested to be further considered of.

*The Queen checks the Members for debating on Points of Prerogative, &c.*] This is the substance of all the Debates which the Journalist has given us in this session of parl. But, it is to be observed, that those Debates, especially on Church Affairs, were managed with caution, for the queen always shewed a dislike that the Commons should meddle in Ecclesiastical matters. Nor were they without some checks from court, on the Freedom of Speech in other things, where it bore too hard on the Prerogative. Mr. Strickland, we are told, in one of his speeches, earnestly pressing the Reformation of the Book of Common Prayer, was, the next day, called before the queen's council, and commanded by them to forbear going to the house till their pleasure was further known. This occasioned great clamour within doors; and divers speeches and motions were made, relating to Breach of Privilege, by restraint of one of their members from attending; although he was neither imprisoned nor confined. But, the Speaker got up, and desired the house to forbear any further debate on that matter; and, the next day, mr. Strickland came again to the house by the council's allowance, to the no small joy of his brethren. On another day also this session, the Speaker informed the house, that he had received a command from her maj. to caution the members to spend less time in motions, and to avoid long Speeches. The Journalist tells us, that this message was occasioned by one mr. Bell, speaking against Monopolies or granting of Licences, which, he thought, was contrary to certain statutes, and, as was said, seemed to speak against the Prerogative. Though, adds the Journalist, what he did say was so much to order, that those who were touched might be angry, but they could not blame him for it.

*Proceedings in a Case of Bribery.*] The next thing we think proper to mention, in the proceedings of the Commons, this Session, is a case of Bribery. It appears from the Journals of the 10th of May, that "one Thos. Long, gent. was returned for the borough of Westbury, in the county of Wilts, for this present parl. who being found out to be a very simple man, and not fit to serve in that place, was questioned how he came to be elected. The poor man immediately confessed to the house, that he gave to Anthony Garland, mayor of the said town of Westbury, and one Watts, of the same, 4l. for his place in parl. Upon which, an order was made that the said Garland and Watts should repay unto the said Thos. Long the 4l. they had of him. Also, that a fine of 20l. be assessed, for the queen's use, on the said corporation and inhabitants of Westbury, for their scandalous attempt. That the said Thomas Long should be discharged from all bonds, given to the said corporation, for executing his place in parl. And, lastly, that the mayor and Watts should be sent for by a pursuivant, to answer such things as should be objected against them by the house."—We, however, hear no more of this matter.

May 28th, upon speeches uttered in the house, 'that some of the members of it had taken Money for their Voices,' a Committee was appointed of all the Privy Council of that house, with others, to meet that afternoon, in the Star Chamber, to examine what persons, being members of that house, had taken any fees or rewards for their voices, in the furtherance or hinderance of any bills offered in the house. Who, the next day, reported, 'that they could not learn of any member that had sold his voice in the house, or any way dealt unlawfully, or indirectly, in that behalf.' Thereupon, mr. Norton declaring, that he heard some had him in suspicion that way, justified himself; and was, upon the question, cleared, and his honest and just dealing, and great painstaking, declared and affirmed by the votes of the whole house.

*The Lord Keeper's Speech at the Close of the Session.*] May 29th, a bill for a general Pardon was read thrice, in the Lords, and concluded. And in the afternoon of the same day the Queen came to the House of Lords, and being seated on the throne, the Speaker of the Commons came up with the bills, and made a speech on the occasion; the particulars of which are not given, but the Journalist hath preserved the Lord Keeper, sir Nich. Bacon's Answer to it, which is as follows:—

"Mr. Speaker; The Queen's Majesty hath heard, and doth very well understand, how discreetly and wisely you have declared the Proceedings of this Session in the Nether House; for Answer whereof, and for the better signification of what her maj.'s opinion is, both of parliament men and parliament matters, this is to let you understand, her maj. hath commanded me to say unto you, that like as the greatest number of them of the Lower House, have in the proceedings of this session shewed themselves modest, discreet, and dutiful, as becomes good and loving subjects, and meet for the places that they be called unto: so, there be certain of them, although not many in number, who in the proceeding of this session, have shewed themselves audacious, arrogant, and presumptuous, calling her maj.'s grants and prerogatives also in question, contrary to their duty and place that they be called unto and contrary to the express admonition given, in her maj.'s name, in the beginning of this

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parl.; which it might very well have become them to have had more regard unto. But her maj. saith, that seeing they will thus wilfully forget themselves, they are otherwise to be remembered; and like as her maj. allows and much commends the former sort, for the respects aforesaid; so doth her highness utterly disallow, and condemn the 2nd sort, for their audacious, arrogant, and presumptuous folly, thus by superfluous speech spending much time in meddling with matters neither pertaining to them, nor within the capacity of their understanding. And thus much concerning the parl. of the Lower House.—And as to the Lords here of the upper house, her maj. hath commanded me to let you know, that her highness taketh their diligence, discretion, and orderly proceedings, to be such, as redoundeth much to their honour and commendations, and much to her comfort and consolation. And here an end touching parliament men.—Now as to Parliament Matters, her maj. hath commanded me to open and declare unto you, her opinion conceived therein, touching two things; the one is concerning the Subsidy and Benevolence, the other is concerning the Execution of the Laws. As to the former, which concerneth the Subsidy and Benevolence, her pleasure is that I shall say unto you, that in your dealings in that matter she hath noted 3 things principally, every of them tending much to the setting forth of your Benevolences and good wills; the 1st is, who it was that granted; the 2nd is, the manner of the granting; the 3rd what it was that was granted. As to the 1st, her maj. forgetteth not, that it is a grant made proceeding from the earnest affections, and hearty good wills, of her good, dutiful, and obedient subjects, for the greatest part: and therefore hath commanded me to say unto you, that she maketh a greater accompt of the great good wills and benevolent minds of her good and loving subjects, than she doth of ten Subsidies; which, as it ought to bring and breed in us great comfort and delight, so in reason it ought to move us (as I doubt not but it doth) to be and continue such as be worthy such an estimation and account. Again, her maj. forgetteth not, that besides this is not a grant by good and loving subjects, that never made like grant heretofore, but by such as have contributed from time to time, as the necessary charges of the realm, and their own sureties have required; which doth much commend and set forth this Benevolence of yours. And thus much concerning the persons that have granted.—And as to the 2nd, which is the Manner of granting, her highness knoweth very well, that before her time these manner of grants have sundry times past, not without difficulties, with long persuasions, and sometimes not without sharp speeches, but this contrariwise without any such speeches or other difficulty, hath been freely and frankly offered and presented; and like as the former did much extenuate their Benevolence, so is this of yours greatly extended. It is written and very truly, concerning Benevolences, 'Qui diu distulit diu noluit,' and therefore justly concluded, 'Bis dat qui cito dat;' which sayings she cannot but apply to you, in the proceedings of your grant. Again, universality in consent doth greatly commend also your dealings in this matter; for a more universal consent than was in this, will hardly be had in any; and therefore much the more commendable. And thus much touching the manner of the gift.—And to the 3rd, which concerneth the Thing given, her maj. saith, that she thinketh it to be as great as any heretofore hath been granted, and therefore you are to receive condign thanks for it. And hath further willed me to say, that if the service of the realm and your sureties would so permit and suffer, her maj. would as gladly, as readily, and as frankly remit this grant, as you have freely and liberally granted it. Thus I have remembered unto you the three princely observations, that her maj. hath conceived of this Benevolence of yours, much to your comfort, and greatly to her maj.'s honour; to your commendation for granting, and to her highness for this honourable accepting; for her maj. shall by this grant receive no commodity or benefit, but rather a continual care in dispending and employing of it, about the necessary affairs and service of the realm, and your sureties; and yet it is a great comfort to her maj. to see you thus frankly and freely join with herself, the realm, and you.—Now to the 2nd and last part, which concerneth the Execution of the Laws, which I mean to divide into 2 parts; the 1st is the Execution of your Grant, the 2nd is the Execution of Laws, now made by you, and of the rest made before of others. As to the former, I am to remember you, that like as it hath pleased the queen's maj. thus princely, honourably, and thankfully, to think of and accept this free and liberal grant of yours; so certainly, if the like diligence and endeavour be not used, by such of you as choice shall be made of by her maj. for the due putting in execution of this grant, then surely those that shall be thus remiss, or negligent, as by that means her maj. and the realm shall be defrauded of any part of that which hath been thus freely granted, shall thereby minister just occasion to her highness to have their fidelity and truth towards her maj. much to be suspected and charged; which would touch them very near. Neither is it an offence that would be pretermitted, but severely punished. Why, if the case were between common persons, can there be a greater untruth and unthankfulness, than for a man to make a grant in appearance willingly and readily, and then to seek wilily and craftily to defraud the same grant? This amongst honest persons is utterly detested, and if so, how then might it be thought of between the prince and his subjects, where for divers respects this bond is thrice as great; for as the subject, by the duty of his allegiance, is to serve the prince truly, even so is he by his oath, and so is he by the great trust, that by the princes choice is com-

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mitted unto him, as a commissioner in this matter, above others. Plainly to speak, it may be affirmed, and that justly, that such as be in commission for the execution of this grant, and shall deal partially, either for favour or for fear, or for love to themselves or their friends, or negligently or remisly, of purpose whereby her maj. shall not be answered of what is due unto her; such, I say, may justly be charged as men forgetting their duty towards God, and their Sovereign, and to their country. It cannot be denied, that numbers respect only their private profit, and not the universal profit of the realm, which is their surety and defence; they respect themselves as private persons, and not as members of the universal body; but their imperfection would be supplied by the wisdom and persuasion of such, as the queen's maj. shall commit trust unto by her commission, to see this subsidy well and truly levied.—And thus much for the Execution of the Grant. Now to the Execution of Laws, made by you, and the rest made heretofore by others. I am to remember you, that all these labours, travels, and pains, taken about the laws now made, and before time taken about the rest heretofore made, and all the charge sustained by the realm about the making of them, is all in vain, and labour lost, without the due execution of them. For, as it hath been said, a law without execution is but a body without life, a cause without an effect, a countenance of a thing, and indeed nothing; pen, ink, and paper, are as much towards the governance of the commonwealth, as the rudder or helm of a ship serveth to the governance of it without a governor, and as rods serve for correction without hands. Were it not meer madness for a man to provide fair torches to guide his going by night, and when he should use them in the dark to carry them unlight? Or for one to provide fair and handsome tools to prune or reform his orchard or garden, and to lay them up without use? And what thing else is it to make wholsome and provident laws in fair books, and to lay them up safe, without seeing them executed? Surely in reason there is no difference between the examples, saving that the making of laws, without execution, is in much worse case, than those vain provisions before remembered; for those, albeit they do no good, yet they do no hurt; but the making of laws without execution, does very much harm; for that breeds and brings forth contempt of laws, and lawmakers, and of all magistrates; which is the very foundation of all misgovernance, and therefore must needs be great and henious in those that are the causers of this; indeed they are the very occasions of all injuries and injustice, and of all disorders and unquietness in the commonwealth. For certain and evident it is, that the queen's maj. that is head of the law, doth all meet for her maj. to do, for the due execution of them. First, she giveth her royal assent to the making of them; the most material of them she commandeth to be proclaimed and published; and yet ceaseth not there, but she granteth out her commission into every of her shires, to men which are or should be of greatest consideration within the limits of their charge, which for the better executing of them are sworn to see the execution of her laws to them committed, within the limits of their commissions; and yet besides all this, by her maj.'s commandment, a number of these justices are yearly once at the least called into her highness's Star Chamber, and there in her maj.'s name, exhorted, admonished, and commanded, to see the due execution of their charges.—And thus you see her maj. enacteth, proclaimeth, exorteth, admonisheth, and commandeth from time to time; yea, what can be devised meet for her maj. to do, for help of this, that is left undone? Surely nothing, to her maj.'s honour and renown. Whereupon it followeth, necessarily and consequently, that the whole burthen of the offence and enormity must light upon us, that are put in trust by her maj. to see those laws executed; and certainly this offence groweth great or little, as the trust committed for the execution of laws, is great or little; and therefore it standeth us greatly upon, to use our whole cares and endeavours, for the help of this hereafter. Were it possible, trow you, that if justices being dispersed through the whole realm, as they be, did carefully and diligently endeavour themselves, according to the trust committed unto them by their sovereign, duly and truly to execute their charge, as they be bound by their oath to God, and by their allegiance to their sovereign, and by duty to their natural country, and, rightly considered, by the love they should bear to themselves and their posterity; (for if their country do not well, they shall fare but illsavouredly) were it possible, I say, if this were so done, that laws should be thus remissly and negligently executed? No, doubtless. Is it not, trow you, a monstrous disguising, to have a justice a maintainer; to have him that should by his oath and duty set forth justice and right, against his oath offer injury and wrong; to have him that is specially chosen amongst a number by a prince to appease all brawlings and controversies, to be a sower and maintainer of strife and sedition, by swaying and leading of juries according to his will; acquitting some for gain, indicting others for malice, bearing with them as his servant or friend, overthrowing others as his enemy; procuring the questmonger to be of his livery, or otherwise in his danger; that his winks, frownings, and countenances may direct all inquests? Surely, surely, these be they that be subverters of all good laws and orders; yea, that make daily the laws, which of their nature be good, to become instruments of all injuries and mischiefs; these be they indeed of whom such examples would be made, as of the founders and maintainers of all enormities; and these be those whom, if you cannot reform for their greatness, you ought to complain of them;



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and like as this is not said of those that be good, so is this and much more to be said and done against those that be evil.—But here it may be said, the mischief appears; what is the remedy? To make all laws presently executed: I can hardly hope to make them in better case than now they be; and although I had such hopes, I could find no more helps but these. The 1st is, having great care in the choice of the officers: the 2nd, by sharp corrections imposed upon such offenders. There should be throughout the realm a triennial or biennial visitation in this nature, made of all temporal officers and ministers, that by virtue of their office have in charge to see execution of laws. By this I mean, that the queen's maj. should make choice, every 2nd or 3rd year, of certain expert and approved persons, to whom commission should be granted, to try out and examine, by all good means and ways, the offences of all such as have not seen to the due execution of the laws, and according to the offences so found and certified, to be sharply punished without omission or redemption.—Of effect like unto this, and to the like end, was the visitation of the church first devised, whereof came in the beginning great good doubtless; and reason I see none, but that a like good ought to follow upon a like visitation made amongst temporal officers. Now to find out the faults seemeth not hard, for amongst many other ways, there is one plain, evident, and easy; and that is where offences do abound in any country, contrary to the laws, which the justices should so reform, and there be nothing done by them for the reformation of those offences; I do not see but this makes a full charge of their uncarefulness and negligence, whereby they are well worthy, upon certificate made, as is aforesaid, to be removed of all governance, to their perpetual ignominy, and to the commendation of all those that remain as good officers. And besides, to set forth other pains upon them, as by law may be justified; if this were once or twice done, I doubt not but the examples following of the doing of it would cause greater diligence to be used in the execution of laws, than now there is. And the better to understand which be those justices that do offend, why might there not be order taken, that the name of every justice that hath not prosecuted any offender for any offence committed contrary to any law, which by the commission that he is in, he is authorised to see punished, might be entered into some rolls; and also how often, and how many of those kind of offences he hath also prosecuted for a declaration of his diligence, whereby it might appear when such visitation should come, who hath been careful, and who hath been negligent, to the end that the slothful drowsy drones might be severed from the diligent and careful bees. And like as I could wish this to be done concerning officers of mean degree, so do I desire that the same course might be taken with the great and greatest, for so it should be equable. But if there be nothing done therein, but things left as they have been, then must you look to have your laws executed as they have been, if not worse; for words will not reform these matters, as I have seen by proof. And this is the sum of what I have to say at this time, concerning the execution of laws."—This speech being ended, and the royal assent given to the bills, the Lord Keeper, by her maj.'s command, dissolved the parliament.

Matters began now to be very critical with the Queen of Scots, who had been a prisoner in England ever since she fled here for protection from her rebellious subjects, who had now actually deposed her, and set her young son James on the throne. Being weary of restraint, the unhappy queen had used many endeavours to escape, which were then called conspiracies against the English govt. In one of which she had drawn in the duke of Norfolk to assist her; and, by a formal contract of marriage between them, the duke fell into a snare which effectually ruined him. He was arraigned for this and some more crimes laid to his charge, was tried by his peers, and unanimously found guilty of high treason. But whilst this noble duke lay under sentence of death, another conspiracy was formed to release him; which being found out, and the actors in it executed, it was thought necessary to call a new parl. the next year after the dissolution of the last, to frame such laws as might establish the queen and the present govt. on the most lasting foundation.

*A new Parl. called.*] Accordingly a parl. was summoned by writs, dated at Greenwich, to meet at Westminster, May 8, 1572.—The queen had also summoned four new barons to this parl. the writs for calling them being entered in the Lords' Journals; and, on the first day of the meeting, they were introduced accordingly. Their names were, John lord Pawlet, of Basing, son to the marq. of Winchester; Henry lord Compton; Henry lord Cheney, and Henry lord Norris. There is nothing else entered in the Journals of either house, to be done on this day; but sir S. D'Ewes has supplied this defect from a MS. of his own, which gives us the Lord Keeper's speech at the opening of the parl. in these words:

*The Lord Keeper's Speech at opening the Parl.*] "The queen's maj. our most dread and gracious sovereign lady, hath given me commandment to declare unto you the causes of the summons of this assembly for a parl. to be holden here at this time; wherein albeit I mean to employ my whole endeavour to the uttermost of my power and understanding; yet I must needs confess, that neither shall you have it done as the maj. of this presence, neither as the gravity of the cause requireth it to be done. And yet the often experience that I have, divers and sundry times, had of the queen's maj.'s great benignity and gentleness, in bearing with and well accepting the

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doings of those that to her service put their good wills and diligences; and, besides all, the proof of your patience in the like matter hath so much encouraged me, that (as I trust) it shall be done, although not cunningly nor eloquently, yet plainly and truly, so as it may be well understood and easily borne away, and therewith also as briefly as the greatness of such a matter will suffer. True it is, the original and principal cause is, that things there propounded may be orderly and diligently debated, deeply considered, and thereupon wisely concluded. And to the end also, that those conclusions so made, the rather for such an universal consent as in parl. is used, remain firm and stable. Now the matters that are in this parl. to be proved, do consist altogether of 2 parts. The former is in matters of Religion, for the better maintenance of God's honour and glory. The 2nd in matters of Policy, for the more perfect upholding and establishing of the queen's maj.'s royal estate, and the preservation of the commonweal committed to her charge. The causes of Religion are again to be divided into two, that is, into matter concerning the good govt. of the subjects at home, and into causes of defence against the enemy abroad. And thus by this process you see you are, as indeed you ought: 1st. to consider in this your assembly, of God's cause, which faithfully, sincerely, and diligently done, like as it cannot but bring success to all the rest, so likewise lukewarm, deceitful, and double-dealing therein cannot but breed, nourish, and bring forth factions, divisions, seditions, &c. to the great peril and danger of all the rest. And the greater that the personages be in authority and dignity that thus deal, the greater of necessity must be the danger of the commonweal. And because God's law and doctrine, being the first law and branch, must light upon ourselves that ought to take the benefit of it, as first and chiefly upon ministers of this doctrine, either for not preaching and teaching by word and example of life so purely and reverently as they might, or else not so diligently as they were bound. And, 2ndly, upon us for not hearing it so desirously, or else hearing it and forgetting it, or not following it so effecually as we should.—3rdly, for that many of us of the laity do not yield and give that estimation, countenance, and credit to the ministers of his doctrine which of right they ought to have, and that many greatly hurt the setting forth of it: for this one thing may be holden firm by the rules of good government; that all officers, both spiritual and temporal, that have governance, during the time of their offices, ought to be preserved in credit and estimation. For how can any thing be well set forth by them that want credit? Marry, for my part, let the time of their offices last as their doings do deserve.—4th. Because the want of the number of ministers that ought to be and be not, and for the insufficiency of those that be for divers respects. But therein the queen's highness doubteth nothing, but all that which the difficulty of time, in so great a scarcity of men meet to be ministers, will suffer to be done, shall by my lords the bps. be done in this behalf, and that as speedily, diligently and carefully as can be. And if any person admitted, or to be admitted to this ministry, shall hereafter, either of arrogancy or ignorance, shew any strange doctrine, contrary or varying from that which by common consent of the realm is published, to the breach of unity, that he by those to whom it appertaineth, sharply and speedily be reformed, all favour and fear set apart. Thus much for Doctrine. You are most earnestly also to think and consider of the Discipline of the Church, as one of the strong pillars of Religion, which doubtless at this time hath two great lacks. The 1st, the imperfection of laws for the countenance of it, which hath grown either by reason that sundry of the ordinances made for that purpose, be disused or otherwise have not their force; or else for that most of the laws that remain be such as for their softness few men make account of. The 2d imperfection is the slothfulness, corruption and fearfulness of the ecclesiastical ministers and officers in the due execution of those laws that be good and yet continue. True and too true it is, that hereby at this present two great enormities daily grow: the 1st that men of wealth and power, given to be evil, may in their countries live in what dissolute and licentious life they list; and both temporalty and spiritualty offend daily in all the branches of Simony, the very canker of the church, without feeling of this discipline. The 2d, that many of the laudable rites and ceremonies of the Church, or pertaining to the ministers of the same agreed upon by common consent, the very ornaments of our religion, are very ill kept or at least have lost a great part of their estimation. And here (through the many faults for want of discipline) to remember you of one particular matter of great moment. How cometh it to pass that the common people in the country universally come so seldom to common-prayer and divine service; and when they do come, be many times so vainly occupied there, or at least do not there as they should do, but for want of this discipline? And yet to the help of this there was at the last parl. a law made, but hitherto no man, no, no man, or very few, hath seen it executed; as plainly to speak, laws for the furtherance of this discipline unexecuted, be rods for correction without hands. It cannot be denied, but as superstition is every way to be abhorred for fear of idolatry; so certainly the loss of this discipline is always to be avoided, lest else contempt (that necessarily must follow) may cause irreligion to creep faster in than a man would think. For of all other it is the most pestilent and pernicious thing, never suffered nor allowed in any common-weal, nay not amongst the heathens that were most barbarous. But here it may be said the mischief

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appeareth, where is the remedy? and that it were better not opened in such a presence, than opened without the remedy both devised and declared. In mine opinion the remedies may easily be devised: all the difficulty is in the well executing of them. As 1st, if the chief parsonages of this realm, both in town and country, would give good example, it cannot be but it would be much to the remedying of a great part of this mischief. 2dly, The dividing every one of the dioceses according to their greatness into deanaries, as I know commonly they be; and the committing of the deanaries to men well chosen, as I think commonly they be not: and then the keeping of certain ordinary courts at their prescript times for the well executing of those laws of discipline, as they ought to be, with a sure controulment of those inferior ministers by the bp. or his chanc.r not biennially or triennially, but every year twice or thrice: which use of necessity without very great difficulty may do much in very short time to the reformation of this; the chief officers ecclesiastical all being very well, and the laws themselves being first made sufficient and perfect, which in this parl. may very well be brought to pass. And, because the proceedings of matters in Discipline and Doctrine, do chiefly concern my lords the bps. both for their understanding and ecclesiastical function; therefore the queen's highness looketh that they, being called together here in parl. should take the chiefest care to consider and consult of these matters. And if in their conference they found it behoofull to have any temporal acts made, for the amending and reforming of any of these lacks, that then they will exhibit it here in parl. to be considered upon, and so *Gladius gladium jucabit*, as beforetime hath been used; foreseeing always that all laws and ordinances for this matter of Doctrine and Discipline be uniform, and so one sort throughout the whole realm. And thus much concerning Religion, being the first part. —Now to the 2d, that is, matters of Policy. And herein first for the govt. of the subjects at home; the lacks and defaults whereof, as in Discipline so in this, stand altogether in the imperfection of laws, or else the fearfulness, slothfulness, and corruption of temporal officers, that ought to see the due execution of them. For the help of the former, you are to examine whether any laws already made, are too sharp or too sore and so overburthensome for the subject, or whether any of them are too loose or too soft, and so over-dangerous to the state; for like as the former may put in danger many an innocent particularly, so the 2d may put in danger both the nocent and innocent, and the whole state universally. You are also further to examine the want and superfluity of laws, and whether craft, covetousness, and malice, have devised any means to defraud laws already made, or how to do any injuries for which there is no law that hath his being to reform it: Or whether the commonweal and state of this realm, by reason of any imperfection or cause, is like to fall to any danger or peril; for the greater the danger is, the greater should the care and consideration be for the remedy of it. You are also to examine whether there are too many laws for any one thing, which breedeth so many doubts, that the subject is sometimes to seek how to observe them, and the chancellor how to give advice concerning them.—As to the 2nd imperfection, which is the want of the due Execution of Laws; because I have thought oft with myself what might be the best remedy, if not to make all laws perfectly executed (for that I can hardly hope for) yet to make them in much better case than now they be. And when I had considered all things, I could find no help but this: the first, by having great care in the choice of those officers that have the Execution of Laws. The 2nd, to do as much as may be for the banishing of sloth, corruption, and fears, from them. A 3rd way there is, which I leave to your judgments, this it is: there should be a triennial or biennial visitation, in this nature, made of all the temporal officers and ministers that by virtue of their office have in charge to see the Execution of Laws. By this I mean that the queen's maj. should make choice every 2nd or 3rd year of certain expert and approved persons, to whom commission should be granted to try out and examine, by all ways and means, the offences of all such as have not seen to the due execution of the laws according to the offices and charges committed to them by the prince. And the offences so found and certified to be sharply punished without remission or redemption. Of effect much like this, and to the like end, was the visitation of the church first devised; whereof, in the beginning of it, came great good doubtless; and reason I see none but the like good ought to follow upon like visitation made among temporal officers. And the old commission of Over tended somewhat to this end. I doubt certainly if the laws and statutes of this realm should not indifferently, uprightly, and diligently, be put in execution (as my trust is they shall) especially in the great and open courts of this realm, then my burthen, I confess, is equal with the greatest; and yet, for my part, I would gladly every year bear of, and yield to such a Comptroller.—Now to the last and greatest, which is the defence against the Foreign Enemy abroad, and his Confederates, brought up and bred amongst us ourselves; because these matters be by reason now chiefly in hand, and that the dealings of the outward enemy be matters that go to the whole, and that this presence you know representeth the whole: therefore in all congruity it seemeth reason, that all we, for, and in the name of the whole, consider carefully of this cause, and give present assistance for the help of it. And to the end you may be more able to give good counsel and advice therein, it hath been thought meet I should summarily

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and shortly make you privy of these proceedings, which shall be the better understood if I begin at the root, as I intend:—This it is: the queen's maj. at her coming to the crown, finding this her realm in a ragged and torn state, and yet in wars with a mighty enemy, the chief fortress of the same lost, to the realm's great dishonour and weakening; her Frontier towns not sufficiently fortified, the revenue of the crown greatly spoiled, the treasure of the realm not only wasted, but the realm also greatly indebted; the land of Ireland much out of order: the Staple and store of all kind of munition for the realm's defence marvellously consumed: the Navy and Sea-Matters nothing in the state they now be, was forced to give ear to a peace with some other conditions than else it is like her highness would come to, to the end that these dangerous defalts might be in the time of peace sufficiently for the security of the realm provided for. Whereupon indeed her highness (peace being concluded) entered into the reforming and supplying of most of all those great lacks, and for the well-doing of them hath not forborn to take any care or pains, neither hath she sticked for the compassing of this both to spend her own treasure, to sell her own lands, to prove her own credit at home and abroad to the uttermost, and all this for our sureties and quiet.—Thus have you heard the sum of those proceedings; whereby it is plain and evident, that as our most dear and gracious sovereign lady, hath, for the preservation of common quiet, and for our own surety against the common enemy, forborn no care or travel in the devising; no more hath she charge or expence in the performing. I may safely affirm it, because I am well able to prove it, that the charges of the managing of these affairs, and that that hath been done since the queen's maj. came to the crown, in supplying the dangers aforementioned, amount to as much as two of the greatest Subsidies that I can remember; the matter not possibly to be born for that which is past, nor to be continued for that which is to come by the ordinary Revenue of the Crown, and yet of necessity to be done, except all (which God forbid) should run to ruin: if when any part of the natural body happeneth to be in danger, the head and every part hasteth to the relief; what would then be done, trow ye, when peril is offered, that the head should take the whole care, and bear the whole burthen, and all the members remain uncareful and uncharged therewith? How light a burthen it is when it is born of many, is understood of us all. But hereof I make no stay, because there is no doubt your good-wills and towardness upon these considerations be such, as this last speech of mine needeth not, and so doubtless the queen's highness taketh it. And yet your wisdoms well know, that the office of this place which I occupy, craveth thus much to be said at my hands; and for that purpose chiefly could I trust you take it, and not for any necessity to draw them by persuasion that otherwise of their own disposition be forward enough. The declarations of the proceedings being uttered, I do assure myself to suffice to men of your understanding and inclination. For how can a man think that any is so void of reason, that he would not gladly offer any aid against a Foreign enemy, that he were able to make for the safety of his own country, his sovereign, himself, his wife and children; especially when by reason it is plain, that the queen's maj. hath already, and daily doth employ her own treasure, yea, and her lands and credit, not in any glorious triumphs, superfluous and sumptuous buildings of delight, vain and chargeable embassages, neither in any other matters of will and pleasure; I mean, no expence to be noted in a prince of 13 years reign, but as far as man can judge in the service of her realm and necessary defence of her people, and for the annoyance of the enemy. Yet hath it been seen e'er this, that prince's wills, pleasures and delights have been followed in expences as necessities. And now, God be thanked, the doings have been such since the queen's highness's reign, that to the indifferent man it will be probable and plain, that the relieving of the realm's necessity is become the prince's delight; a good change, God continue it, a marvellous good example for us to follow, and yet it is scant credible how long it was, and in the end with what difficulty the queen's maj. came to agree that this example should be followed by us, in being content that this parl. should be summoned, that it might be moved, that the realm might contribute to the realm's defence; with such difficulty indeed, that if any other way could have been devised (her honour and realm's surety saved) this had never been attempted: so loth she is to any offensive matter by burthen or charge, that if any other way could have been devised, this had not been: and so, from her own mouth, she commanded me to say unto you.—Oh what a grief it is to a prince (trow you) when he findeth such want, that he is not able so to consider of the service of his servants and subjects; this dangerous and necessary service, as their deserts do crave! knowing that most commonly the very life and heart of the servant and soldier, which so often offereth himself to the cannon, the pike, the fire, is either overthrown or set up as a regard is had of his perils. Except there be some odd men (as they call them) of that perfection, that virtue and well-doing is their mark, and not reward, who hold for firm, that 'recti facti merces est fecisse tantum,' but 'rara avis in terris, &c.' Yea, those are so rare as counsel cannot be given that princes service should hang on the help of such hope, and yet these be the perfectest and best, but the world is not served by such. To give good words is a good thing, but often used, albeit never so cunningly, without deeds of service, is reputed but as wind, and is indeed 'dare verba.' Marry, power serving not, then it deserveth great commen-

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dations; for it is as much as can be done: for 'ultra posse non est esse.' But hereof thinketh little the greatest number. But to a prince who thinketh thus much, and daily thinketh and feeleth of it, what a tormenting trouble is such a want think ye? These wants when they happen, would be, ought to be most holden. But here I have troubled you further than I meant, or perchance needed.—And thus no farther to hinder you, but to make an end. You have heard, 1st, the causes of this assembly. 2ndly, what I think meet to be remembered. 3rdly, what for the governance of the subject at home, and what hath been done for the defence of the enemy abroad; your office and duty is to be careful to consider of these matters, which I have the rather summarily remembered than effectually discoursed upon. The former pertaineth to my office as a remembrancer. The 2nd to you as executors of these remembrances. And because you of the Nether House cannot, without a head, thus do; therefore it resteth, that you, according to your antient order, of yourselves chuse some wise and discreet man, who, after he hath been by you chosen and presented, and that presentation by the queen's maj. allowed, shall then be your Speaker, &c."

May 10th. The Commons presented Robert Bell, esq. for their Speaker, who, with the usual ceremonies, was allowed. But no further notice is taken of the speeches commonly made on that occasion.

*Proceedings relative to the Queen of Scots.*] May 12th, an entry is made by the lords, "That this day, by advice and consent of the whole house, a Committee was appointed to confer with such members of the Lower House as it should please them to appoint, for the more speedy and better direction of them in the great matter touching the Queen of Scots." The committee consisted of the following lords; the abps. of Canterbury and York; the earls of Oxford, Kent, Worcester, Sussex, Warwick, Bedford, Leicester, and Essex; the bps. of London, Winchester, Ely, Lincoln, and Rochester; the lord chamberlain Burleigh, with the lords Grey, Windsor, Wentworth, North, and Chandois. In the Journal of the Commons are the Names of the Committee appointed by them, which were these;

Mr. Treasurer
Mr. Comptroller
Mr. Chancellor of the Dutchy
The Chancellor of the Exchequer.
The Lord Deputy of Ireland
Sir Maurice Berkeley
Sir Hugh Pawlet
Sir Thomas Scott
Sir Owen Hopton
Sir Nicholas Arnold
Sir John Thynne
Sir Hen. Gates
Sir Rowland Howard
Mr. Doctor Wilson
Mr. Attorney of the Duchy
Mr. Recorder of London
Mr. Serjeant Manwood
Mr. Serjeant Geffry
Mr. Mounson
Mr. Sandys
Mr. Popham
Mr. Yelverton
Mr. Coleby
Mr. Heneage
Mr. Charles Howard
Mr. Hatton
Mr. Astley
Mr. Shute
Mr. Hen. Knolles, sen.
Mr. Hen. Knolles, jun.
Mr. Peter Wentworth
Mr. Sampole
Mr. Norton
Mr. William Moor
Mr. John Vaughan
Mr. Tho. Randall
Mr. John Vaughan of Caermarthen
Mr. Greenfield, sen.
Mr. Charles Somerset
Mr. Hen. Killegrew
Mr. William Gerrard
Mr. Dalton, and
Mr. Peacock.

We hear no more of this Conference in the Journals of the Lords, nor what was done in it, relating particularly to the Queen of Scots, till May the 28th, when a new Committee of Lords was appointed, about the same matter, which were only the abp. of Canterbury, the earls of Sussex and Leicester, the bp. of Lincoln, and the lords Burleigh and Grey. The result of which was, that on the 4th of June a bill passed the Lords, with this addition to the title, 'A bill touching Mary, daughter and heir of James V. late king of Scotland, commonly called the Queen of Scots.' This bill was sent down to the Commons, who kept it until the 26th of the same month, and then returned it, concluded. But though the bill went so currently through the two Houses, the queen would not suffer it to pass into a law; there being no mention of such an act, in the catalogue at the end of this session, nor in the printed statutes. For which reason, we are much in the dark what were the contents of this extraordinary bill. Mr. Cambden only writes, that, "it was proposed, that if the Queen of Scots should again offend against the laws of England, she should be proceeded against, by law, as if she were the wife of an English peer. But the queen, interposing her authority, prevented the enacting thereof."—However, though this act did not pass, yet there were two other very severe laws made against all who had designs in favour of the Queen of Scots. On the 19th of May a bill was read the first time in the Lords, for Punishment of all such as shall rebelliously take or detain, from the Queen's maj. any Castle, Tower, Fortress, Ships, or other munition of war. This passed into a law; and, by it, some of the articles were made felony, and others high treason. On the 21st, a bill was brought in, and read against all such as shall conspire or practise the Enlargement of any Prisoners. This act declared, "That if any person should go about to deliver any man, imprisoned upon the queen's writ for Treason, or suspicion of Treason, before his arraignment, the said person should forfeit his life estate, and be imprisoned during the queen's pleasure. If arraigned, he should incur the penalty of death; if condemned, the penalty of high treason."

*The Duke of Norfolk beheaded.*] Mr. Cambden observes, that the severity of these laws was only necessary for the times; and the parl. thought fit to make them temporary, that is, for the queen's life. He adds, that so many designs were set on foot to deliver the duke of Norfolk, out of the Tower, as hastened his execution, which had been put off for near

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4 months; and it was not till after passing the last act, that the addresses of the Commons, the remonstrances of the Privy Council, and the importunity of preachers, by suggesting the greatness of the danger she was in, could overcome the queen's clemency. In fine, the duke was beheaded on a scaffold, on Tower-hill, June the 2nd. He died with great courage and magnanimity, amidst a vast crowd of sorrowful and weeping spectators; for it is incredible, says our author, "how dearly he was beloved by the populace, whose good-will he had gained by a munificence and affability suitable to so great a prince."

*A Case of Privilege.*] A case of Privilege was brought before the Lords, by the lord Cromwell, who had been attached, by a writ, out of Chancery, at the suit of one Taverner. The Lords adjudged the attachment void and contrary to the antient Privileges of the Peerage; but so, that at any time hereafter, by the queen's prerogative, or by the common law and custom of the realms, or any statute law, or sufficient precedent, the persons of any of the Lords of parl. in such cases as this of lord Cromwell's, ought to be attached, or attachable, if so shewed and warranted as above; this order, or any thing, therein contained, to the contrary notwithstanding.

Having done with the Proceedings of the Lords, we shall go back to those of the Commons. After the Committee for the Conference was appointed, we find no particulars entered, relating to it, till some weeks afterwards, which will appear in the sequel. In the mean time, on the 16th of May, a motion was made, 'Whether it was convenient that the Commons should join with the Lords in a petition to her maj. for the execution of the duke of Norfolk. Or, that they should only signify to her maj. their resolution and opinion that necessary execution was to be done?' upon putting the question, it was agreed by all, that their general resolution was properest to be signified to her; and not by way of petition or direction from this house.

May 19, the Attorney of the Court of Wards, in the name of the whole Committee, on the great affair of the Queen of Scots, reported to the house their Conference with the Lords. Which done, after many speeches, it was upon the question, resolved, for the better safety and preservation of her maj.'s person and govt. to proceed against the Scottish Queen in the highest degree of Treason; and therein to touch her, as well in life as in title and dignity; and this with all possible speed, and with the whole voice of the house.

*A Message to the Commons, not to meddle with Religious Matters.*] May 22, a bill for Rites and Ceremonies in the Church, having been read in the house 3 times; on this day the Speaker declared to the house, that it was the Queen's pleasure, that from henceforth no bills concerning Religion should be preferred, or received into this house; unless the same should be first considered and approved by the Clergy. And further, that her maj. desired to see the two last, read in the house, touching Rites and Ceremonies. On which, it was ordered, that the said bills should be delivered to her, by such members as were of the Privy Council. The next day the Treasurer of the Household reported to the house the delivery of the two bills of Rites and Ceremonies to her maj.; together with the humble request of this house, most humbly to beseech her highness not to conceive ill opinion of this house, if so it were that her maj. should not like well of the said bills, or of the parties that preferred them: and declared further, that her maj. seemed utterly to mislike the first bill, and him that brought the same into the house; and that her highness express will and pleasure was, that no preacher or minister should be impeached or indicted, or otherwise molested or troubled, as the preamble of the said bill did purport: adding these comfortable words farther, That her maj. as defender of the faith, will aid and maintain all good Protestants to the discouraging of all Papists.

*Proceedings relative to the Queen of Scots.*] The business of the Queen of Scots and the duke of Norfolk, having been long canvassed by the Committees of both houses; they, at length agreed upon a joint Petition to the queen. And, on the 28th of May, her maj. was attended by the said Committees, who presented her a Petition with Reasons to prove, that it not only consisted with justice, but also with the queen's honour and safety, to proceed criminally against the pretended Scottish Queen. On the same day, the Journalist tells us, "That mr. Treasurer reported to the house, that he and certain others of the committee, chosen by themselves, did presently come from her maj.; and that her maj. doth very thankfully accept the good-will and zeal of this house, in their carefulness for her maj.'s safety and preservation; and that as her maj. thinketh the course chosen by this house, and wherein the Lords have joined with this house, to be the best and surest way for her maj.'s preservation and safety indeed; yet her highness for certain respects by herself conceived, thinketh good for this time to defer, but not to reject that course of proceeding as yet; and in the mean time, with all convenient speed, to go forward in the great matter against the Scottish Queen with a 2d bill, being the other part of the said choice heretofore offered to this house. And that her maj. minding in that bill, by any implication or drawing of words, not to have the Scottish Queen either enabled or disabled to or from any manner of title to the crown of this realm, or any other title to the same whatsoever touched at all, willeth that the bill be first drawn by her learned counsel, and by them penned before the same be treated of or dealt in, in this house. And that in the mean time of bringing in of the said bill, this house enter not into any speeches or arguments of that matter. And that her maj. hath likewise sig-

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nified the same her like pleasure unto the Lords, by some of the Committees of the same house." The Commons came to a Resolution on the question, "Whether a Petition was to be drawn up and presented to her maj. for the speedy execution of the duke? That the said Petition should be digested and put in writing against the next morning, and delivered to the Speaker to be presented by him to the Queen. But two days after, May 31, a question was put for respiting the said petition, and, it was carried in the affirmative. "Because, perhaps, her maj. will order it to be done sooner of her own accord than being pressed to it by the house. And therefore it was wholly laid aside." But, however, the bills and remonstrances against the Queen of Scots, took no effect till several years after. The duke of Norfolk, however, fell a sacrifice to the jealousies of the times, being beheaded, as before observed, whilst this parl. was sitting.

The Ceremonies at the conclusion of this Session are omitted in both the Journals; and, we are only told, in that of the Lords, that, on the 30th of June, the queen came to the house, when the lord keeper, by her command, prorogued this parl. to the 2d of Nov. following. From the time of the last prorogation, we meet with nothing like a parl. till the 18th year of this reign. The Journals of the Lords do not expressly give us the times of the several prorogations in this long interval; but only inform us, that on the 8th of Feb. 1575, after various and sundry prorogations, the same parl. met to transact business.

*A Bill against Luxury in Apparel.*] Being assembled, the Queen came not to the house, because this was no new parl.; and the first thing we find that was done by the Lords, was to read a bill for the reformation of Apparel: Mr. Cambden takes notice, that the year before this, the queen had put out a proclamation to stop the great Excess this modish Luxury had then arrived to. Observing, that, to maintain this shining vanity, a great quantity of money was yearly carried out of the land, to buy silks and other foreign fineries, to the impoverishment of the commonwealth, and the almost ruin of several noble families, who strove to vie with one another in this kind of extravagance. The reader will have observed, that several sumptuary laws were made in different reigns to restrain this vice; and now the Queen's Proclamation being little regarded, an act of parl. was designed to enforce the observance. But this way had as little success as the former, for though the bill passed the Lords, and was sent down to the Commons, they never returned it.

*A Subsidy.*] There is nothing remarkable else entered in the Lords Journals, till the 27th of this month; when a bill for a Subsidy of two 15ths and 10ths were sent up by the Commons: it passed the Lords on the 1st of March. The printed statutes make this grant three 15ths and 10ths, besides the Subsidy. There was also an act for confirming a grant of 6s. in the pound, from the Clergy, to be paid in 3 years.

*Mr. Wentworth's Speech in behalf of the Liberties of the House.*] But though the Journals of the Lords furnish us with so little to the purpose, those of the Commons were never more copious for so short a session as in this. In which are many things very remarkable, relating to the Liberties and Privileges of that house. The Journalist gives us a Speech made on the very 1st day of this session, by Peter Wentworth, Esq. member for the borough of Tregony in Cornwall. As the speech and the consequences of it are as memorable as any thing we have yet met with in the course of these enquiries, we shall make no apology for the length of it.

"Mr. Speaker;—I find writtten in a little volume these words in effect:—'Sweet is the name of Liberty, but the thing itself a value beyond all inestimable treasure:' So much the more it behoveth us to take care lest we, contenting ourselves with the sweetness of the name, lose and forego the thing, being of the greatest value that can come unto this noble realm. The inestimable treasure is the use of it in this house. And therefore I do think it needful to put you in remembrance, that this hon. assembly are assembled and come together here in this place, for three special causes of most weighty and great importance. —The 1st and principal is to make and abrogate such Laws, as may be most for the preservation of our noble sovereign. The 2nd,.. —The 3rd is to make or abrogate such laws as may be to the chiefest surety, safe-keeping, and enrichment of this noble realm of England. So that I do think that the part of a faithful-hearted subject is, to do his endeavour to remove all stumbling-blocks out of the way that may impair, or any manner of way hinder, these good and godly causes of this our coming together. I was never of parl. but the last, and the last session, at both which times I saw the Liberty of free Speech, the which is the only salve to heal all the sores of this commonwealth, so much and so many ways infringed, and so many abuses offered to this hon. council, as hath much grieved me even of very conscience and love to my prince and state. Wherefore to avoid the like, I do think it expedient to open the commodities that grow to the prince and whole state, by free speech used in this place; at the least so much as my simple wit can gather of it, the which is very little in respect of that, that wise heads can say therein, and so it is of the more force:— 1st, All matters that concern God's honour, through free Speech shall be propagated here and set forward, and all things that do hinder it removed, repulsed and taken away.—Next, There is nothing commodious, profitable, or any way beneficial for the prince or state, but faithful and loving subjects will offer it in this place:—3rdly, All things discommodious, perilous, or hurtful to the prince or state shall be prevented, even so much as seemeth good to

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our merciful God to put into our minds, the which no doubt shall be sufficient, if we do earnestly call upon him and fear him: for Solomon saith, 'The fear of God is the beginning of wisdom. Wisdom breatheth life into her children, receiveth them that seek her, and will go beside them in the way of righteousness:' so that our minds shall be directed to all good, needful, and necessary things, if we call upon God with faithful hearts:—4thly, If the envious do offer any thing hurtful or perilous to the prince or state in this place, what incommodity doth grow thereby? Verily I think none, nay, will you have me to say my simple opinion therein, much good cometh thereof; how forsooth? why by the darkness of the night the brightness of the sun sheweth more excellent and clear, and how can truth appear and conquer until falshood, and all subtilties that should shadow and darken it, be found out? for it is offered in this place as a piece of fine needlework to them that are most skilful therein, for there cannot be a false stitch (God aiding us) but will be found out:—5thly, This good cometh thereof, a wicked purpose may the easier be prevented when it is known:—6thly, An evil man can do the less harm when it is known.—7thly, Sometime it happeneth that a good man will in this place (for argument sake) prefer an evil cause, both for that he would have a doubtful truth to be opened and manifested, and also the evil prevented; so that to this point I conclude, that in this house, which is termed a place of free speech, there is nothing so necessary for the preservation of the prince and state as free speech; and without this it is a scorn and mockery to call it a Parliament House, for in truth it is none, but a very school of flattery and dissimulation; and so a fit place to serve the devil and his angels in, and not to glorify God and benefit the commonwealth.—Now to the Impediments thereof, which, by God's grace and my little experience, I will utter plainly and faithfully. I will use the words of Elcha, 'Behold, I am as the new wine which hath no vent, and bursteth the new vessels in sunder, therefore I will speak that I may have a vent. I will open my lips, and make answer, I will regard no manner of person, no man will I spare, for if I should go about to please men, I know not how soon my Maker will take me away:' my text is vehement; the which by God's sufferance I mean to observe, hoping therewith to offend none; for that of very justice, none ought to be offended for seeking to do good and saying of the truth.—Amongst other, mr. Speaker, 2 things do great hurt in this place, of the which I do mean to speak: the one is a rumour which runneth about the house, and this it is, 'Take heed what you do, the Queen liketh not such a matter, whosoever prefereth it, she will be offended with him, or the contrary, her maj. liketh of such a matter, whosoever speaketh against it, she will be much offended with him.' The other: Sometimes a Message is brought into the house, either of Commanding or Inhibiting, very injurious to the Freedom of Speech and consultation. I would to God, mr. Speaker, that these two were buried in hell, I mean Rumours and Messages; for wicked undoubtedly they are, the reason is, the devil was the first author of them, from whom proceedeth nothing but wickedness: now I will set down reasons to prove them wicked.—1st, If we be in hand with any thing for the advancement of God's glory, were it not wicked to say the queen liketh not of it, or commandeth that we shall not deal in it? Greatly were these Speeches to her maj.'s dishonour, and an hard opinion were it, mr. Speaker, that these things should enter into her maj.'s thought; much more wicked and unnatural were it that her maj. should like or command any thing against God, or hurtful to herself and the state. The Lord grant that this thing may be far from her maj.'s heart. Here this may be objected, that if the queen's maj. should have intelligence of any thing perilous or beneficial to her maj.'s person or the state, would you not have her maj. give knowledge thereof in this house, whereby her peril may be prevented, and her benefit provided for? God forbid! then were her maj. in worse case than any of her subjects. And in the beginning of our speech, I shewed it to be a special cause of our assembling, but my intent is, That nothing should be done to God's dishonour, to her maj.'s peril, or the peril of the state. And therefore I will shew the Inconveniences that grow of these two. 1st, If we follow not the prince's mind, Solomon saith, 'The King's Displeasure is a Messenger of Death': this is a terrible thing to weak nature, for who is able to abide the fierce countenance of his prince, but if we will discharge our consciences, and be true to God, and Prince and State, we must have due consideration of the place and the occasion of our coming together; and especially have regard unto the matter wherein we both shall serve God, and our prince and state faithfully, and not dissembling as eye-pleasers, and so justly avoid all displeasures both to God and our prince; for Solomon saith, 'In the way of the righteous there is life,' as for any other way, it is the path to death. So that to avoid everlasting death and condemnation, with the high and mighty God, we ought to proceed in every cause according to the matter, and not according to the prince's mind: and now I will shew you a reason to prove it perilous always to follow the prince's mind. Many times it falleth out, that a prince may favour a cause perilous to himself and the whole state; what are we then if we follow the prince's mind? Are we not unfaithful unto God, our prince and state? Yes truly, we are chosen of the whole realm, of a special trust and confidence by them reposed in us, to foresee all such inconveniences. Then I will set down my opinion herein, that is to say, He that dissembleth to her maj.'s peril, is to be counted as a



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hateful enemy; for that he giveth unto her maj. a detestable Judas his kiss; and he that contrarieth her mind to her preservation, yea though her maj. would be much offended with him, is to be adjudged an approver lover, for 'faithful are the wounds of a lover,' saith Solomon, 'but the kisses of an enemy are deceitful:' and it is better, saith Antisthenes, to fall amongst ravens than amongst flatterers, for ravens do but devour the dead corps, but flatterers the living. And it is both traitorous and hellish, through flattery, to seek to devour our natural prince, and that do flatterers; therefore let them leave it with shame enough. —Now, to another great matter that riseth of this grievous rumour, What is it forsooth? Whatsoever thou art that pronouncest it, thou dost pronounce thy own discredit; Why so? for that thou dost what lieth in thee to pronounce the prince to be perjured, the which we neither may nor will believe; for we ought not without too manifest proof to credit any dishonour to our anointed; no, we ought not without it to think any evil of her maj. but rather to hold him a liar what credit soever he be of; for the queen's maj. is the head of the law, and must of necessity maintain the law; for by the law her maj. is made justly our queen, and by it she is most chiefly maintained: hereunto agreeth the most excellent words of Bracton (de Legibus Angliæ, lib. 1. cap. 7.) who saith, 'The king hath no peer nor equal in his kingdom.' He hath no equal, for otherwise he might lose his authority of commanding, since that an equal hath no power of commandment over his equal. The king ought not to be under man, but under God, and under the law, because the law maketh him a king. Let the king therefore attribute that to the law, which the law attributeth unto him, that is, dominion and power; for he is not a king in whom will and not the law doth rule, and therefore he ought to be under the law. I pray you mark the reason why my authority saith, The king ought to be under the law, for, saith he, 'He is God's vicegerent upon earth'; that is, his lieutenant to execute and do his will, the which is law or justice, and thereunto was her maj. sworn at her coronation, as I have heard learned men in this place sundry times affirm; unto the which I doubt not but her majesty will, for her honour and conscience sake, have special regard; for free Speech and conscience in this place are granted by a special law, as that without the which the prince and state cannot be preserved or maintained. So that I would wish every man that feareth God, regardeth the prince's honour, or esteemeth his own credit, to fear at all times hereafter to pronounce any such horrible speeches, so much to the prince's dishonour; for in so doing he sheweth himself an open enemy to her maj. and so worthy to be contemned of all faithful hearts. Yet there is another Inconvenience that riseth of this wicked Rumour: the utterers thereof seem to put into our heads, that the queen's maj. hath conceived an evil opinion, diffidence, and mistrust in us her faithful and loving subjects; for if she had not, her maj. would then wish that all the things dangerous to herself should be laid open before us; assuring herself, that loving subjects, as we are, would, without schooling and direction, with careful minds to our powers, prevent and withstand all perils that might happen unto her maj. And this opinion I doubt not but her maj. hath conceived of us; for undoubtedly there was never prince that had faithfuller hearts than her maj. hath here; and surely there were never subjects had more cause heartily to love their prince for her quiet govt. than we have. So that he that raiseth this Rumour still increaseth but discredit, in seeking to sow sedition as much as lieth in him, between our merciful queen and us her most loving and faithful subjects, the which by God's grace shall never lie in his power, let him spit out all his venom, and there withal shew out his malicious heart; yet I have collected sundry reasons to prove this a hateful and a detestable Rumour, and the utterer thereof to be a very Judas to our noble queen; therefore, let any hereafter take heed how he publish it; for as a very Judas unto her maj. and an enemy to the whole state, we ought to accept him. Now the other was a Message, mr. Speaker, brought the last session into the house (see p. 781) that we should not deal in any Matters of Religion, but first to receive from the bishops: surely this was a doleful Message; for it was as much as to say, 'Sirs, ye shall not deal in God's causes, no, ye shall in no wise seek to advance his glory;' and in recompence of your unkindness, God in his wrath will look upon your doings, that the chief cause that ye were called together for, the which is the preservation of their prince, shall have no good success: if some one of this house had presently made this interpretation of this said message, had he not seemed to have the spirit of prophecy? Yet truly I assure you, mr. Speaker, there were divers of this house that said, with grievous hearts, immediately upon the Message, that God of his justice could not prosper the session; and let it be holden for a principle, mr. Speaker, that council that cometh not together in God's name, cannot prosper; for God saith, 'Where two or three are gathered together, in my name, there am I in the midst among them?' Well, God, even the great and mighty God, whom name is the Lord of Hosts, great in Council, and infinite in Thought, and who is the only good Director of all Hearts, was the last session shut out of doors. But what fell out of it forsooth? His great indignation was therefore poured upon this house, for he did put into the queen's maj.'s heart to refuse good and wholesome laws for her own preservation; the which caused many faithful hearts for grief to burst out with sorrowful tears, and moved all Papists, traitors to God and her maj. who envy good Christian govt. in their sleeves to laugh all the whole

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Parliament-House to scorn: and shall I pass over this weighty matter so slightly? Nay, I will discharge my conscience and duties to God, my prince and country. So certain it is, mr. Speaker, that none is without fault, no, not our noble queen, sith then her maj. hath committed great fault, yea dangerous faults to herself.—Love, even perfect love, void of dissimulation, will not suffer me to hide them to her maj.'s peril, but to utter them to her maj.'s safety: and these they are, it is a dangerous thing in a prince unkindly to abuse his or her nobility and people, and it is a dangerous thing in a prince to oppose or bend herself against her nobility and people, yea against most loving and faithful nobility and people. And how could any prince more unkindly intreat, abuse, oppose herself against her nobility and people, than her maj. did the last parl.? Did she not call it of purpose to prevent traiterous Perils to her Person, and for no other cause? Did not her maj. send unto us two bills, willing us to make choice of that we liked best for her safety, and thereof to make a law, promising her maj.'s royal consent thereunto? And did we not first choose the one, and her maj. refused it; yielding no reason, nay, yielding great reasons why she ought to have yielded to it? Yet did we nevertheless receive the other, and agreeing to make a law thereof, did not her maj. in the end refuse all our travels? And did not we, her maj.'s faithful nobility and subjects, plainly and openly decypher ourselves unto her maj. and our hateful enemies; and hath not her maj. left us all open to their revenge? Is this a just recompence in our Christian queen for our faithful dealings? The heathen do requite good for good: then how much more is it to be expected in a Christian prince? And will not this her maj.'s handling think you, mr. Speaker, make cold dealing in any of her maj.'s subjects toward her again? I fear it will. And hath it not caused many already, think you, mr. Speaker, to seek a salve for the head that they have broken? I fear it hath, and many more will do the like if it be not prevented in time. And hath it not marvellously rejoiced and encouraged the hollow hearts of her maj.'s hateful enemies and traiterous subjects? No doubt but it hath: and I beseech God that her maj. may do all things that may grieve the hearts of her enemies, and may joy the hearts that unfeignedly love her maj.: and I beseech the same God to endue her maj. with his wisdom, whereby she may discern faithful advice from traiterous sugared speeches, and to send her maj. a melting yielding heart unto sound counsel, that will may not stand for a reason: and then her maj. will stand when her enemies are fallen; for no estate can stand where the prince will not be governed by advice. And I doubt not but that some of her maj.'s council have dealt plainly and faithfully with her maj. herein; if any have, let it be a sure token to her maj. to know them for approved subjects; and whatsoever they be that did persuade her maj. so unkindly to intreat, abuse, and to oppose herself against her nobility and people, or commend her maj. for so doing, let it be a sure token to her maj. to know them for sure traitors and underminers of her maj.'s life, and remove them out of her maj.'s presence and favour; for the more cunning they are, the more dangerous are they unto her maj. But was this all? No, for God would not vouchsafe that his Holy Spirit should all that session descend upon our bishops; so that in that session nothing was done to the advancement of His glory. I have heard of old Parliament-Men, that the banishment of the Pope and Popery, and the Restoring of true Religion, had their beginning from this house, and not from the bishops; and I have heard that few laws for Religion had their foundation from them; and I do surely think, before God I speak it, that the bishops were the cause of that doleful message; and I will shew you what moveth me so to think: I was, amongst others, the last parl. sent unto the bp. of Canterbury, for the Articles of Religion that then passed this house. He asked us, Why we did put out of the Book the Articles for the Homilies, Consecrating of Bishops, and such like? Surely, sir, said I, because we were so occupied in other matters, that we had no time to examine them how they agreed with the Word of God. What, said he, surely you mistook the matter, you will refer yourselves wholly to to us therein? No, by the faith I bear to God, said I, we will pass nothing before we understand what it is; for that were but to make you Popes; make you Popes who list, said I, for we will make you none. And sure, mr. Speaker, the speech seemed to me to be a Pope-like speech, and I fear lest our bps. do attribute this of the Pope's canons unto themselves, 'papa non potest errare;' for surely if they did not, they would reform things amiss, and not to spurn against God's people for writing therein as they do; but I can tell them news, they do but kick against the pricks; for undoubtedly they both have and do err, and God will reveal his truth, maugre the hearts of them and all his enemies; for great is the truth, and it will prevail: and to say the truth, it is an error to think that God's spirit is tied only to them; for the heavenly spirit saith, 'first seek the kingdom of God and the righteousness thereof, and all these things (meaning temporal) shall be given you.' These words were not spoken to the bps. only, but to all; and the writ, mr. Speaker, that we are called up by, is chiefly to deal in God's cause; so that our commission, both from God and our prince, is to deal in God's causes: therefore, the accepting of such Messages, and taking them in good part, do highly offend God, and is the acceptation of the breach of the Liberties of this hon. council; for is it not all one thing to say, sirs, you shall deal in such matters only, as to say, you shall not deal in such matters? and so as good to

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have fools and flatterers in the house, as men of wisdom, grave judgment, faithful hearts, and sincere consciences; for they being taught what they shall do, can give their consents as well as the others: well, 'He that hath an office,' saith st. Paul, 'let him wait on his office,' or give diligent attendance upon his office. It is a great and special part of our duty and office, Mr. Speaker, to maintain the Freedom of Consultation and Speech; for by this, good laws that do set forth God's glory, and for the preservation of the prince and state are made. St. Paul in the same place saith, 'Hate that which is evil, cleave unto that which is good:' then with st. Paul, I do advise you all here present, yea, and heartily and earnestly desire you from the bottom of your hearts, to hate all messengers, tale-carriers, or any other thing whatsoever it be that any manner of way infringes the Liberties of this hon. council; yea, hate it or them as venomous and poison unto our common-wealth, for they are venomous beasts that do use it; therefore I say again and again, 'Hate that which is evil, and cleave unto that which is good:' and this, being loving and faithful hearted, I do wish to be conceived in fear of God, and of love to our prince and state; for we are incorporated into this place, to serve God and all England, and not to be time-servers, as humour-feeders, as cancers that would pierce the bone, or as flatterers that would fain beguile all the world, and so worthy to be condemned both of God and man; but let us shew ourselves a people endued with faith, I mean with a lively faith, that bringeth forth good works, and not as dead. And these good works I wish to break forth in this sort, not only in hating the enemies before-spoken against, but also in open reproving them as enemies to God, our prince and state that do use them, for they are so. Therefore I would have none spared or forborn that shall from henceforth offend herein, of what calling soever he be, for the higher place he hath, the more harm he may do; therefore if he will not eschew offences, the higher I wish him hanged. I speak this in charity, mr. Speaker, for it is better that one should be hanged, than that this noble state should be subverted; well, I pray God with all my heart, to turn the hearts of all the enemies of our prince and state, and to forgive them that wherein they have offended, yea, and to give them grace to offend therein no more; even so I do heartily beseech God to forgive us for holding our peace when we have heard any injury offered to this hon. council; for surely it is no small offence, mr. Speaker, for we offend therein against God, our prince and state, and abuse the confidence by them reposed in us. Wherefore God for his great mercies sake, grant that we may from henceforth shew ourselves neither bastards nor dastards therein, but that as rightly-begotten children, we may sharply and boldly reprove God's enemies, our princes and state; and so shall every one of us discharge our duties in this our high office, wherein he hath placed us, and shew ourselves haters of evil, and cleavers to that that is good, to the setting forth of God's glory and honour, and to the preservation of our noble queen and commonwealth; for these are the marks that we ought only in this place to shoot at. I am thus earnest, I take God to witness, for conscience sake, love unto my prince and commonwealth, and for the advancement of justice; for 'justice,' saith an antient Father, 'is the prince of all virtues, yea, the safe and faithful guard of man's life, for by it empires, kingdoms, people, and cities be governed, the which if it be taken away, the society of man cannot long endure.' And a king, saith Solomon, 'that sitteth in the throne of judgment, and looketh well about him, chaseth away all evil:' in the which state and throne, God for his great mercies sake, grant that our noble queen may be heartily vigilant and watchful; for surely there was a great fault committed both in the last parl. and since also that was, as faithful hearts as any were unto the prince and state, received most displeasure, the which is but an hard point in policy, to encourage the enemy, to discourage the faithful-hearted, who of fervent love cannot dissemble, but follow the rule of st. Paul, who saith, 'Let love be without dissimulation.'—Now to another great fault I found the last parl. committed by some of this house also, the which I would desire of them all might be left; I have seen right good men in other causes, although I did dislike them in that doing, sit in an evil matter against which they had most earnestly spoken: I mused at it, and asked what it meant, for I do think it a shameful thing to serve God, their prince or country, with the tongue only, and not with the heart and body. I was answered that it was a common policy in this house, to mark the best sort of the same, and either to sit or arise with them; that same common policy, I would gladly have banished this house, and have grafted in the stead thereof, either to rise or sit as the matter giveth cause: 'for the eyes of the Lord behold all the earth, to strengthen all the hearts of them that are whole with him.' These be God's own words, mark them well, I heartily beseech you all; for God will not receive half-part, he will have the whole. And again, he misliketh these two-faced gentlemen, and here be many eyes that will to their great shame behold their double dealing that use it.—Thus I have holden you long with my rude speech; the which since it tendeth wholly with pure conscience to seek the advancement of God's glory, our hon. sovereign's safety, and to the sure defence of this noble isle of England, and all by maintaining of the Liberties of this hon. council, the fountain from whence all these do spring; my humble and hearty suit unto you all is, to accept my good-will, and that this that I have here spoken out of conscience and great zeal unto my prince and state, may not be buried in the pit of oblivion, and so no good come thereof."

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*Mr. Wentworth sequestered from the House, for his Speech.*] Upon this speech, says the Journalist, the House out of a reverent regard of her maj.'s honour, stopped his further proceeding before he had fully finished. The Message Mr. Wentworth meant and intended, was that which was sent by her maj. to the Commons, in the 14th year of her reign, upon the 28th day of May, by sir Francis Knolles, kt. inhibiting them, for a certain time, to treat or deal in the matter touching the Scottish queen, (see p. 782.).—Mr. Wentworth being sequestered the house for his said speech, it was agreed and ordered by the House upon the question (after sundry motions and disputations had therein) that he should be presently committed to the Serjeant's ward as prisoner; and so remaining, should be examined upon his said speech, for the extenuating of his fault therein, by a Committee consisting of all the Privy-Council being of this house, and other members.

*Mr. Wentworth's Examination before the Committee.*] Next follows mr. Wentworth's own account of his Examination, before the Committee, as follows:—

*Committee.* "Where is your late speech you promised to deliver in writing? *Wentworth.* Here it is, and I deliver it upon 2 conditions: the 1st is, that you shall peruse it all, and if you can find any want of good-will to my prince and state in any part thereof, let me answer all as if I had uttered all. The 2nd is, that you shall deliver it unto the queen's maj.; if her maj. or you of her privy-council, can find any want of love to her maj. or the state therein also; let me answer it.—Com. We will deal with no more than you uttered in the house. Went. Your honours cannot refuse to deliver it to her maj. for I do send it to her maj. as my heart and mind, knowing it will do her maj. good; it will hurt no man but myself.—Com. Seeing your desire is to have us deliver it to her maj. we will deliver it. Went. I humbly require your honours so to do. —Then the speech being read, they said, Com. Here you have uttered certain rumours of the queen's maj.: where and of whom heard you them? Went. If your honours ask me as counsellors to her maj. you shall pardon me; I will make you no answer: I will do no such injury to the place from whence I came; for I am now no private person, I am a public, and a councellor to the whole state, in that place, where it is lawful for me to speak my mind freely; and not for you, as counsellors, to call me to account for any thing that I do speak in the house; and therefore if you ask me as counsellors to her maj. you shall pardon me, I will make no answer; but if you ask me as committees from the house, I will make you the best answer I can.—Com. We ask you as committees from the house. Went. I will then answer you; and the willinger for that mine answer will be in some part so imperfect as of necessity it must be. Your question consisteth of these two points, Where and of whom I heard these rumours? The place where I heard them was the Parliament House; but of whom, I assure you, I cannot tell.—Com. This is no answer to say, you cannot tell of whom, neither will we take it for any. Went. Truly your honours must needs take it for an answer, when I can make you no better. Com. Belike you have heard some speeches, in the town, of her maj.'s misliking of religion and succession; you are loth to utter of whom, and did use speeches thereupon. Went. I assure your honours I can shew you that speech, at my own house, written with my hand two or three years ago. So that you may thereby judge, that I did not speak it of any thing that I heard since I came to town.—Com. You have answered that, but where heard you it then. Went. If your honours do think I speak for excuse-sake, let this satisfy you: I protest before the living God I cannot tell of whom I heard these rumours; yet I do verily think that I heard them of a hundred or two in the house.—Com. Then of so many you can name some. Went. No surely, because it was so general a speech, I marked none; neither do men mark speakers commonly when they be general: and I assure you if I could tell, I would not. For I will never utter any thing told me, to the hurt of any man, when I am not enforced thereunto, as in this case I may chuse. Yet I would deal plainly with you, for I would tell your honours so, and if your honours do not credit me, I will voluntarily take an oath, if you offer me a book, that I cannot tell of whom I heard those rumours. But if you offer me an oath of your authorities, I will refuse it; because I will do nothing to infringe the Liberties of the House. But what need I to use these speeches? I will give you an instance, whereupon I heard these rumours to your satisfying, even such a one, as if you will speak the truth, you shall confess, that you heard the same as well as I.—Com. In so doing we will be satisfied: What is that? Went. The last parliament [by which it may be conceived he meant and intended that parl. in An. 13 Reg. Eliz.] he that is now Speaker [viz. Rob. Bell, esq. who was also Speaker in the first session of this present parl. in An. 14 Reg. ejusdem] uttered a very good speech for the calling in of certain Licences granted to 4 courtiers, to the utter undoing of 6 or 8000 of the queen's subjects. This speech was so disliked of some of the council, that he was sent for; and so hardly dealt with, that he came into the house with such an amazed countenance, that it daunted all the house in such sort, that for 10, 12, or 16 days, there was not one in the house that durst deal in any matter of importance. And in those simple matters that they dealt in, they spent more words and time in their preamble, requiring that they might not be mistaken, than they did in the matter they spake unto. This inconvenience grew unto the house by the councils hard handling of the said good member, whereupon this rumour grew in the house.

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'Sirs, you may not speak against Licences, the queen's maj. will be angry, the Privy-Council too will be angry;' and this rumour I suppose there is not one of you here but heard it as well as I. I beseech your honours discharge your consciences herein as I do.—Com. We heard it, we confess, and you have satisfied us in this; but how say you to the hard interpretation you made of the message that was sent into the house? [The words were recited.] 'We assure you we never heard a harder interpretation of a message.' Went. I beseech your honours, first, was there not such a message sent unto the house?—Com. We grant that there was. Went. Then I trust you will bear me record that I made it not; and I answer you that so hard a message could not have too hard an interpretation made by the wisest man in England. For, can there by any possible means be sent a harder message to a council gathered together to serve God, than to say, 'You shall not seek to advance the glory of God?' I am of this opinion that there cannot be a more wicked message than it was.—Com. You may not speak against messages, for none sendeth them but the queen's maj. Went. If the message be against the glory of God, against the prince's safety, or against the Liberty of this Parliament-House whereby the state is maintained, I neither may nor will hold my peace. I cannot in so doing discharge my conscience, whosoever doth send it. And I say, that I heartily repent me, for that I have hitherto held my peace in these causes, and I do promise you all, if God forsake me not, that I will never, during life, hold my tongue, if any message is sent, wherein God is dishonoured, the prince perilled, or the Liberties of the parl. impeached; and every one of you here present ought to repent you of these faults, and to amend them.—Com. It is no new precedent to have the prince to send messages. [Then were two or three messages recited, sent by two or three princes.] Went. Sirs, said I, you do very evil to alledge precedents in this order. You ought to alledge good precedents to comfort and embolden men in good doing, and evil precedents to discourage and terrify men to do evil.—Com. But what meant you to make so hard interpretation of messages? Went. Surely I marvel what you mean by asking this question. Have I not said, so hard a message could not have too hard an interpretation: and have I not set down the reason that moved me in my speech, that is to say, that for the receiving and accepting that message, God has poured so great indignation upon us, that he put into the queen's heart to refuse good and wholesome laws for her own preservation; which caused many loving and faithful hearts, for grief, to burst out with sorrowful tears; and moved all Papists, traitors to God, to her maj. and to every good Christian govt. in their sleeves to laugh the whole Parliament-House to scorn. Have I not thus said? and do not your honours think it did so?—Com. Yes truly. But how durst you say, that the queen had unkindly abused herself against the nobility and people? Went. I beseech your honours, tell me how far you can stretch these words of her unkindly abusing and opposing herself against her maj.'s nobility and people? Can you apply them any further than I have applied them, that is to say, in that her maj. called the parl. of purpose to prevent traiterous Perils to her person, and for no other cause; and in that her maj. did send unto us 2 bills, willing us to take our choice of that we liked best for her maj.'s safety, and thereof to make a law promising her royal consent thereunto; and did we not first chuse the one, and her maj. refused it? yet did not we nevertheless receive the other? and agreeing to make a law thereof, did not her maj. in the end, refuse all our travels? And did not the Lord-Keeper, in her maj.'s presence, in the beginning of the parl. shew this to be the occasion that we were called together? And did not her maj. in the end of the parl. refuse all our travels? Is not this known to all here present, and to all the Parliament-House also? I beseech your honours discharge your consciences herein, and utter your knowledge simply as I do; for in truth herein her maj. did abuse her nobility and subjects, and did oppose herself against them by the way of advice.—Com. Surely we cannot deny it; you say the truth. Went. Then I beseech your honours shew me if it were not a dangerous doing to her maj. in these 2 respects. 1st, in weakening, wounding, and discouraging the hearts of her maj.'s loving and faithful subjects, thereby to make them the less able or the more fearful and unwilling to serve her maj. another time. On the other side, was it not a raising-up and encouraging the hearts of her maj.'s hateful enemies to adventure any desperate enterprize to her maj.'s peril and danger?—Com. We cannot deny but that it was very dangerous to her maj. in those respects. Went. Then why do your honours ask how I dare tell a truth, to give the queen warning to avoid her danger?—I answer you thus, I do thank the Lord my God, that I never found fear in myself to give the queen's maj. warning to avoid her danger; be you all afraid thereof if you will, for I praise God I am not, and I hope never to live to see that day; and yet I will assure your honour, that 20 times and more, when I walked in my grounds, revolving this speech to prepare against this day, my own fearful conceit did say unto me, that this speech would carry me to the place whither I shall now go, and fear would have moved me to have put it out; then I weighed whether in good conscience, and the duty of a faithful subject, I might keep myself out of prison, and not to warn my prince from walking in a dangerous course; my conscience said unto me, that I could not be a faithful subject, if I did more respect to avoid my own danger than my prince's danger. Here withal I was made bold, and went

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forward as your honours heard; yet when I uttered those words in the house, that there was none without fault, no not our noble queen; I paused and beheld all your countenances, and saw plainly that those words did amaze you all; then I was afraid with you for company, and fear bade me to put out those words that followed; for your countenances did assure me, that not one of you would stay me of my journey; yet the consideration of a good conscience, and of a faithful subject, did make me bold to utter it in such sort as your honours heard; with this heart and mind I spake it, and I praise God for it; and if it were to do again I would with the same mind speak it again.—Com. Yea, but you might have uttered it in better terms: why did you not so? Went. Would you have me to have done as you of her maj.'s privy council do, to utter a weighty matter in such terms as she should not have understood? To have made a fault, then, it would have done her maj. no good, and my intent was to do her good.—*Com.* You have answered us. Went. Then I praise God for it; and, as I made a courtesy, mr. Seckford spake these words: Com. Mr. Wentworth will never acknowledge himself to make a fault, nor say that he is sorry for any thing that he doth speak; you shall hear none of these things come out of his mouth. Went. Mr. Seckford, I will never confess that to be a fault, to love the queen's maj. while I live; neither will I be sorry for giving her maj. warning, to avoid danger, while the breath is in my body: if you do think it a fault to love her maj. or to be sorry that her maj. should have warning to avoid her danger, say so; for I cannot. Speak for yourself, mr. Seckford."

*Mr. Wentworth committed to the Tower.*] Feb. 9th, Mr. Treasurer, in the name of the Committee yesterday appointed for the Examination of Peter Wentworth, burgess for Tregony, declared, 'That the said Committee did meet yesterday in the afternoon, in the Star-Chamber, according to their Commission; and their examining the said Peter Wentworth, concerning the violent and wicked words, yesterday pronounced by him, in this house, touching the queen's maj. made a collection of the same words; which words so collected, the said P. Wentworth did acknowledge and confess. And then did the said mr. Treasurer read unto the house the said Note of collection; which being read, he declared further, That the said P. Wentworth being examined, what he could say for the extenuating of his said fault and offence, could neither say any thing at all to that purpose, neither yet did charge any other person as author of his said speech, but did take all the burthen thereof unto himself.—And the said mr. Treasurer thereupon moved for his punishment, and imprisonment in the Tower, as the house should think good and consider of: whereupon, after sundry disputations and speeches, it was ordered, upon the question, that the said P. Wentworth should be committed close prisoner to the Tower, for his offence, there to remain until such time as this house should have further consideration of him. And thereupon immediately the said P. Wentworth, being brought to the bar by the serjeant, received his said judgment accordingly, by the mouth of mr. Speaker, in form above recited. And so mr. Lieutenant of the Tower was presently charged with the custody of the said P. Wentworth.'—The affair of his enlargement from the Tower, will appear in the sequel.

On the same day, the house came to this resolution, "That if any person, being a member of the same, was employed in the service of embassage, or in execution, or visited with sickness, he shall not lose his seat in the house, nor any other be elected for it, during such time of service, execution, or sickness." Also, the lord Russel, son and heir to the earl of Bedford, burgess for Bridport, in the county of Dorset, was ordered to continue a member of that house; notwithstanding the new-acquired earldom of his father.

*Sir W. Mildmay's Speech for a Subsidy.*] Feb. 10, Sir Walter Mildmay, Chancellor of the Exchequer, on the motion for a Grant of a Subsidy to her majesty, spoke as follows:—Mr. Speaker, "That in the beginning of this our meeting such matters as be of importance may be thought on in time, I am bold with your favours to move you of one that, in my opinion, is both of moment and of necessity. To the end, if you likewise find the same to be so, you may commit it further to the consideration of such as you shall think convenient. —And that you may the better judge of that which I shall propound, it is requisite that I put you in remembrance, 1st, how the queen found the realm; next, how she hath restored and conserved it; and, 3dly, how we stand now. Touching the first, no man can be ignorant how that our most gracious queen, at her entering, found this noble realm, by reason of the evil govt. preceding, miserably overwhelmed with popery, dangerously afflicted with war, and grievously loaded with Debts; the burthen of which three cannot be remembered without grief, especially if we call to mind how this kingdom, being utterly delivered from the usurped tyranny of Rome, and that many years together; was, nevertheless, by the iniquity of later time, brought back again into the former captivity, to the great thraldom both of body and soul of all the people of this land. A wretched time, and wretched ministers, to bring to pass so wretched and wicked an act to strengthen this bondage of Rome. We saw how there was brought hither a strong nation to press our necks again into the yoke; terrible this was to all the inhabitants of this land, and so would have proved, if their abode had been here so long as was to be feared from them; for by their occasion came the War that we entered into with France and Scotland, and not upon any quarrel of our own; but to help them forward to their great advantage, and

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our great loss and shame; by means whereof, and of other disorders, the realm grew into great Debt both at home and abroad, and so was left, to the intolerable loss and charge of her maj. and the state. The realm being thus miserably oppressed with Popery, with War, and with Debts, the queen, our most gracious sovereign, hath thus restored and conserved it; she hath delivered us from the tyrannous yoke of Rome, and restored again the most holy religion of the gospel, not slacking any time therein; but even, at the first, doing that which was for the honour of God, to the unspeakable joy of all good subjects.—But adventuring thereby the malice of the mighty princes of the world, her neighbours being enemies of our religion; whereby it did appear how much she preferred the glory of our God before her own quietness: this done, she made peace with France and Scotland, the one a mighty nation, the other, though not so potent, yet in regard of their nearness and of their habitation with us upon our continent, more dangerous: which may easily appear by consideration of former times, wherein it hath been seen how dangerous Scottish wars have proved to this realm above those of any other nation. But such hath been the Providence of our gracious Queen, as the Peace with Scotland, which, in times past was found very tickle, is now become so firm as in no age there hath been so long and so good peace between them and us.—And that is brought to pass the rather for that her maj. by two notable exploits with her forces, the one to Leith, and another to Edinburgh-Castle, hath both quieted that realm, and taken away all occasions of hostility that might arise against this country; also by the first delivering Scotland from the French which had so great a footing there, as, without aid from hence they must needs in short time have tyrannized over that country to their perpetual servitude, and to the peril also of this country, being so near them, and they so ill neighbours to dwell by. And by the 2d, ending and putting out the fire of the civil wars amongst them, to the preservation of their young king, and the perpetual quietness of that realm, both which as they have brought unto her maj. great and immortal honour and renown, and to this country and that, peace and surety: so you cannot but think therewith upon the Charges which necessarily follow two such journies furnished by land and sea, as for the atchieving of so great enterprizes was requisite. What her maj. hath done besides, for the suppressing of a dangerous and unnatural Rebellion practised by the Pope, the most principal and malicious enemy of this state, and put in ure by certain undutiful subjects in the north parts of this realm, was seen so late, even in your view, as it needeth not to be remembered; neither the Charge that belongeth to a matter of such importance, as did threaten the utter ruin to our most gracious sovereign, and to all the people of this land, if God, of his mercy, had not prevented it.—Notwithstanding all which costly journies, both into Scotland and within the realm, her majesty hath most carefully and providently delivered this kingdom from a great and weighty debt, wherewith it hath been long burthened. A Debt begun 4 years, at least, before the death of Henry VIII. and not cleared until within these 2 years; and all that while running upon interest; a course able to eat up not only private men and their patrimonies, but also princes and their estates; but such hath been the care of this time, as her maj. and the state is clearly freed from that eating corrosive; the truth whereof may be testified by the citizens of London, whose bonds, under the common-seal of the city, of assurance of payment being usually given and renewed, and which have hanged so many years to their great danger, and to the peril of the whole traffick, are now all discharged, cancelled, and delivered into the Chamber of London, to their own hands. By means whereof the realm is not only acquitted of this great burthen, and the merchants free, but also her maj.'s credit thereby both at home and abroad greater than any other prince for money, if she have need; and so in reason it ought to be, for that she hath kept promise to all men, wherein other princes have often failed to the hindrance of many. Lastly, for this point how the Justice of this realm is preserved and ministered to her people, by her maj.'s political and just govt. is so well known to all men, as our enemies are driven to confess that justice, which is the band of all commonwealths, doth so tie and link together all degrees of persons within this land, as there is suffered here no violence, no oppression, no respect of persons in judgment; but 'jus equabile' used to all indifferently. All which godly, provident and wise acts in govt. have brought forth these effects that we be in peace, and all our neighbours in war; that we be in quietness at home, and safe enough from troubles abroad; that we live in wealth and all prosperity, and that which is the greatest, we enjoy the freedom of our consciences delivered from the bondage of Rome, wherewith we were so lately oppressed. And thus we stand.—But for all this as wise mariners in calm weather do most diligently prepare their tackles, and provide to withstand attempts that may happen: even so in this our blessed time of peace that we enjoy, by the blessing of God, through the ministry of her maj. we ought in time to make provision to prevent any storm that may arise either here or abroad; and neither to be too careless or negligent, but think that the tail of these storms, which are so bitter and so boisterous in other countries, may reach us also before they be ended; especially if we do not forget the hatred that is born us by the adversary of our religion both for our profession, and for that this realm is also a merciful sanctuary for such poor christians as fly hither for succour; so as now one of the most principal

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cares that we ought to take in this great council of the realm is both to consider aforehand the dangers that may come by the malice of enemies, and to provide in time how to resist them; and seeing that by those great occasions which I have remembered, you can easily understand how low her maj.'s coffers are brought, it is our parts frankly and willingly to offer unto her maj. such a contribution as shall be able to restore the same again, in such sort as she may be sufficiently furnished of treasure to put in order, and maintain her forces by land and sea, to answer any thing that shall be attempted against her and us: and lest it might seem strange to some that her maj. should want this, some considering that not long sithence aid was granted by the realm: to that I answer, that albeit her maj. is not to yield an account how she spendeth her treasure; yet, for your satisfactions, I will let you understand such things as are very true, and which I dare affirm, having more knowledge thereof than some other, in respect of the place I hold in her maj.'s service.—First, how favourable the Taxations of Subsidies be through the whole realm cannot be unknown to any; whereby far less cometh to her maj.'s coffers than by the law is granted, a matter now drawn to be so usual as it is hard to be reformed. Next, the Clearing of all Debts that run upon Interest, to the insupportable charge of the realm. Thirdly, the Charge in Suppressing the Rebellion in the north. Fourthly, the free and honourable Repayment of the last Loans, the like whereof was not seen before. Fifthly, the Journey to Edinburgh-Castle for the quieting of that country and this. And lastly, the great and continual Charges in Ireland, by the evil disposition of the people there; all which could not have been performed by the last aid, except it had pleased her maj. to spare, out of her own revenues, great sums of money for the supplying of that which lacked, wherein she more respected the realm than her own particular estate; living, as you see, in most temperate manner, without either building or other superfluous things of pleasure; and like as these be causes sufficient to move you to devise how these wants may be repaired, so you ought the rather to do it, for that her maj. lacketh and cannot have, without great inconvenience, those helps, which, in the times of her father, her brother and sister, were used; as the Abasing of Coin, which brought infinite sums to them, but wrought great damage to the realm, which we yet feel; and should do more, had not her maj. to her perpetual fame, restored the same again, so much as the time could suffer. The Sale of Lands, whereof came also very great sums of money, but that is not hereafter to be used; saving that by the same the revenues of the crown are greatly diminished, which it cannot more bear, the Borrowing of Money upon interest, the burthen whereof the realm hath felt so heavy, as that is never more to be done, if by any means it may be avoided. And yet, notwithstanding all those helps, it is apparent that Subsidies were continually granted in those times; if so then, much more so now. Besides War and other extraordinary Charges which may happen, her maj.'s very ordinary Charges, which she cannot but sustain, are far greater, by dearth of prices and other occasions, than in any other prince's days; as you may see by the ordinary and annual Charges of the Household, the Navy, the Ordnance, the Armory, the Garrison of Berwick, the standing Garrison and Officers within the realm of Ireland. And whether these are like to be more costly to her maj. than in former times, in respect of the prices of all things, let every man judge by the experience he hath of his private expences.—I trust these few things may suffice to remember us how her maj. found the realm, how she hath restored and preserved it, and how the present state is now; and therewith all may serve as reasons sufficient to persuade us to deal in this necessary cause, as her maj. being the head of the commonwealth, be not unfurnished of that which will be sufficient to maintain both herself and us against the private or open malice of enemies; wherein let us so proceed as her maj. may find how much we think ourselves bound to God, that hath given us so gracious a queen over us; and shew thereby also such gratitude towards her, as she may perform the course of her govt. 'cum alacritate.' This speech ended, a committee was immediately appointed to draw up a bill for a Subsidy.

*The Queen's Message for mr. Wentworth's Discharge.*] March 12, Christopher Hatton, esq Captain of the Band of Pensioners, reported to the house, "that whereas a member of the same, on the 1st day of this session, Feb. 8th, had, in a set speech, uttered divers offensive matters against her maj. and for the same had been committed prisoner to the Tower by that house; yet her maj. was graciously pleased to remit her justly occasioned displeasure for the said offence; and to refer the enlargement of the party to the house." Which message was most thankfully accepted of by the whole house. Afterwards,

Sir *Walter Mildmay*, Chancellor of the Exchequer, rose and spoke as follows: "Mr. Speaker; I think that by this whole action, and by her maj.'s dealing in this cause, we had just occasion to consider these 3 things: 1, her Maj.'s good and clement Nature. 2, her Respect to us. And, 3, our Duty towards her. Touching the 1st, that sovereign princes, placed by God, are to be honoured with all humble and dutiful reverence, both in word and deed, especially if they be good and virtuous, such as our most gracious sovereign is; a princess that hath governed this realm so many years, so quietly, so justly, and providently; which, being true, as no man can deny, then see how great an offence this was, to reprove so good and gracious a queen so unjustly, and that to be done not by any common person abroad, but by a member of this house; and not in



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any private or secret place, but openly in this most hon. assembly of the parl. being the highest court and council of the realm: And thereby see also her most gracious and good nature, that so mercifully and so easily can remit so great an offence; a thing rarely found in princes of so great estate, that use commonly to think themselves touched in honour, if they should pass over smaller injuries so lightly. The greater is her maj.'s commendation, and the more are we bound to thank God for her.—2ndly, we may see what gracious Respect her maj. had to us, that notwithstanding the just cause that was given her to punish severely so great an offence; yet the favour that she had conceived towards us, proceeding from the just trial of our dutiful affections towards her, had so qualified her displeasure, as she was contented, for our sakes, to pardon the whole; and that so freely, as she would not, at any time, think of it again, for those were her words; a marvellous grace towards us, and never hereafter, on our parts to be forgotten: the rather for that the same proceeded merely from herself, thereby preventing the suit, which we, in all humbleness, might have made unto her. 3rdly, that for so gracious a dealing, it was our bounden Duties to yield unto her maj. our most humble and hearty thanks, and to beseech Almighty God to enlarge her days as the only stay of our felicity; and not only so, but to learn also, by this example, how to behave ourselves hereafter: and not under the pretence of Liberty to forget our bounden duty to so gracious a queen: true it is, that nothing can be well concluded in a council where there is not allowed, in debating of causes brought in, Deliberation, Liberty, and Freedom of Speech; otherwise, if in consultation men be either interrupted or terrified, so as they cannot, nor dare not, speak their opinions freely, like as that council cannot but be reputed for a servile council; even so all the proceedings therein shall be rather to satisfy the wills of a few, than to determine that which shall be just and reasonable. But herein we may not forget to put a difference between Liberty of Speech and licentious Speech; for by the one men deliver their opinions freely, and with this caution, that all be spoken, pertinently, modestly, reverently, and discreetly; the other contrariwise uttereth all impertinently, rashly, arrogantly, and irreverently, without respect of person, time, or place: and though Freedom of Speech hath always been used in this great council of parl. and is a thing most necessary to be preserved amongst us; yet the same was never, nor ought to be, extended so far, as though a man in this house may speak what and of whom he list. The contrary whereof, both in our own days and in the days of our predecessors, by the punishment of such inconsiderate and disorderly speakers, hath appeared. And so to return, let this serve us for an example, to beware that we offend not in the like hereafter, lest that in forgetting our duties so far, we may give just cause to our gracious sovereign to think that this her clemency hath given occasion of further boldness; and thereby so much grieve and provoke her, as contrary to her most gracious and mild consideration, she be constrained to change her natural clemency into necessary and just severity; a thing that I trust shall never happen amongst wise and dutiful men, such as the members of this house are thought always to be."

*The Speaker recommends it to the Queen to marry.*] A motion had been made in the Commons this session, on the old topic of pressing the Queen to marry; but the house did not think proper to venture another petition on it; but agreed, that at the conclusion of the session, the Speaker should move her maj. about it. Accordingly, on May 14th, we are told, that in the afternoon, the Queen came to the House of Lords, where their Speaker, Robert Bell, esq. presented the bill of one Subsidy, and two 15ths and 10ths: the particulars of which, being omitted by the clerk, are supplied by sir Symonds D'Ewes; who tells us, "that the Speaker's speech was to the following effect: 1st, he spoke touching sundry kinds of govt. which had been in this kingdom; and so drew his discourse to the present time. Then he made a large enumeration of her maj.'s many virtues, and of the many benefits which the kingdom received by her gracious govt. After which he proceeded humbly to petition her maj. to make the kingdom further happy in her Marriage, that so they might hope for a continual Succession of those benefits in her posterity. To which, having added a compendious relation of such acts as had passed the House of Commons, he concluded with the presentation of the bill of Subsidy, in their names, unto her maj."

*The Lord Keeper's Speech at the close of the Session.*] After which, the Lord Keeper, by her Maj.'s commandment, answered as followeth:—"Mr. Speaker; The queen's maj. our most dread and gracious sovereign lady, hath heard and doth very well understand your oration, full of good-will and matter. The sum thereof may be reduced into 5 parts, whereof the 1st containeth a discourse of sundry kinds of Government, from the beginning until this time. The 2nd, the Commendations of her Majesty's Virtues, and of her great and gracious govt. from the beginning, with a remembrance of her highness's bountiful benefits. The 3rd, concerning the humble and earnest Petition moving her maj. to marry. The 4th is a Declaration of Laws past in the Lower House, with an humble suit for her highness's royal assent to be given unto the same. The 5th and last, concerning a presentation of the Subsidy granted in this session.—As concerning the 1st, which containeth the discourse of sundry kinds of Governments, I see not that this time and place doth require any answer to be given unto it other than this; that you, mr. Speaker, are much to be commended for your

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diligent collecting, and also for the apt comparing of the last part of the same.—And as to the 2nd, which concerneth the Commendations of her Majesty's great Virtues and good Government, with the Remembrance of the manifold benefits that you have received at her maj.'s hand, her highness hath commanded me to say unto you, that she wisheth of God with all her heart, that all those royal virtues and principal parts, together with the great gifts of gracious govt. that you make mention of, were so perfectly planted in her, as best might serve to the maintenance of God's glory, from whom her maj. confesseth all goodness to proceed; and best also might serve for the good governance of you her good, loving and obedient subjects; and withal, prayeth you with her, and for her, to give God hearty thanks for those virtues and graces that it hath pleased him to bless her withal; and also to pray for the continuance of them with such increase, as shall best like his Divine Majesty. And besides this, I may, and dare certainly affirm unto you, by her maj.'s own mouth, that if the virtues of all the princes in Europe were united within her highness's breast, she should gladly employ the same to the best of her power about the good governance of you, that be so good and loving unto her; so great is her highness good will and inward affection toward you. Again true it is, that these your loving and reverend conceivings of the virtuous and gracious govt. of your sovereign, is taken by her maj. in very thankful part, as a special and peculiar property pertaining to faithful and loving subjects; neither will her highness admit of any occasion that may move you to conceive otherwise than you have: neither do I think that any man can devise any more ready, or any more strong persuasion to move a princely nature to be such towards her subjects as they can wish, than by such good, reverend, and loving conception and conceiving remembered by you. To conclude, as touching this point, I am to affirm unto you from her maj. that she taketh your proceedings in the parl. both in the midst, and also in the ending, so graciously, and in so thankful part, that if both parts and nature did concur in me abundantly to make me eloquent (as neither of them do) yet I am sure, I were not able to set forth this point according to her highness's desire, or to the worthiness of it. And for the more manifest declaration of this, and of the great good-liking her maj. hath conceived of you that be of this parl. her highness meaneth not to determine the same, but to prorogue it until the next winter. And as to cognizance and recognizance of Benefits, her maj.'s pleasure is, that I should declare unto you, that there is none of these Benefit received by you, but she wisheth them treble in number, and quadruple in greatness and goodness. And further, her highness thinketh that the faithful recognizing of Benefits received, is one of the greatest satisfactions that a subject can make to his sovereign for them. And as to the 3rd, which concerneth your humble earnest Petition, it proceedeth from your inward affections and benevolent minds, founded upon the great good opinion that you have conceived of her maj.'s most gracious govt. over you, according to the declaration made by you, a matter greatly moving her maj. the rather to allow of your Petition.—The second Note importeth yet more than this; for therein she conceiveth that this great good opinion of this happy govt. is not conceived by you, as it appeareth by your own declarations, upon any sudden ground or cause, but hath grown upon the consideration of her highness's governance during the reign of 17 years now past: whereby it is evident, that this is a settled and constant opinion of yours, and therefore much the more moving her maj. to give a gracious ear unto this your Petition.—And yet the third Note exceedeth the other two former; for in this Note she conceiveth the abundance of your inward affection grounded upon her good governance of you to be so great, that it doth not only content you to have her maj. reign and govern over you, but also you do desire, that some proceeding from her maj.'s body might by a perpetual succession reign over your posterity also: a matter greatly to move her maj. (she saith) to incline to this your suit. Besides her highness is not unmindful of all the benefits that will grow to the realm by such Marriage; neither doth she forget any perils that are like to grow for want thereof. All which matters considered, her maj. willed me to say, that albeit of her own natural disposition she is not disposed or inclined to Marriage, neither could she ever marry were she a private person; yet for your sakes and the benefit of the realm, she is contented to dispose and incline herself to the satisfaction of your humble petition, so that all things convenient may concur that be meet for such a Marriage; whereof there be very many, some touching the state of her most royal person, some touching the person of him whom God shall join, some touching the state of the whole realm: these things concurring and considered, her majesty hath assented (as is before remembered.) And thus much touching this matter.—As to the 4th part, which concerneth a Declaration of the Laws passed in the session, whereunto you do pray that her maj. would give her royal assent, her maj. hath commended your travel and pains taken in devising of these laws, your considerations and carefulness in debating and consulting, and your judgments and determinations in concluding and passing of the same; and meaneth to give her royal assent to so many of them as her maj. shall think meet and convenient to pass at this time. But here I am to remember you, that this is not all that her highness requireth in this point; for she is desirous that the great travels, pains, and great charges employed about the making of these laws should not be lost, neither her maj.'s royal assent granted in vain; which must needs come to pass, except you look better to

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the execution of laws than heretofore you have done; it were much better to have no new laws made at all, than to have laws not executed: for the former doth but leave us in the state we were in before the making of the new laws; but not to execute them, is to breed a contempt of laws and law-makers, and of all magistrates, which is the mother and nurse of disobedience; and what she breedeth and bringeth forth, I leave to you to judge.—Now this offence of not executing of laws growing so great, it resteth to see in whose default this is, and who ought to have the burthen of it. First, certain it is, that her maj. leaveth nothing undone meet for her to do for the execution of laws; for 1st, she maketh choice of persons of most credit and best understanding throughout the whole realm, to whom for the great trust and fidelity that she reposeth in them, she giveth authority by commission, to execute a great part of those laws, who also by oath be bound to perform the same. Besides, the most special and needful laws her highness causeth to be proclaimed and published unto her people; as over this also (lest men should be forgetful of their duties) she causeth a number of her justices to be called into public place, and there to be exhorted and admonished in her maj.'s name to see the execution of her laws; and what here can be more devised for her maj. to do? Surely, in my opinion, nothing.—Then falleth it out necessarily and consequently, that the burthen of all these enormities, absurdities and mischiefs that do grow in the commonwealth for not executing of laws, must light upon those persons that have authority from her maj. to execute them and do it not: which is a burthen over heavy for any to bear, being justly charged. For the avoiding of this therefore, methinks, men being thus remembered, ought to seek with all diligence, and endeavour to satisfy for their negligence, and uncarefulness past; which if they shall forget to do, her maj. shall be then driven, clean contrary to her most gracious nature and inclination, to appoint and assign private men, for profit and gain sake, to see her penal laws to be executed. The course which hitherto her maj. hath taken, hath been, to have her laws executed by men of credit and estimation for the love of justice, uprightly and indifferently; but if they shall refuse so to do, forgetting their duty to God, sovereign and country, then of necessity, rather than the laws should be unexecuted, her maj. shall be driven, I say, to commit the execution of them to those, who in respect of profit and gain, will see them executed with all extremity. And what a burthen that will bring to the commonweal, I leave it to your consideration. But it is to be hoped, that if the respects before remembered, will not move you to see better to your charge; yet the fear of this great inconveniency should constrain men that be in commission to look to the better execution of laws.—Now as to the 5th and last part, which concerneth the Grant of a Subsidy, her maj. hath commanded me to say unto you, that that grant is a manifest declaration by deeds of that which before was declared by words: for how could such a grant be made, and in such manner granted, and by such persons, but that of necessity it must proceed from the benevolent minds and hearty affections of such loving subjects as are before remembered? True it is, that her maj. in these your doings hath noted 3 things especially and principally, every of them tending much to the setting forth of your benevolence. The 1st, who it is that granted; the 2nd, the manner of granting; the 3rd, what it was that is granted. As to the 1st, her maj. cannot forget, how this grant proceeded from the earnest affections and hearty good wills of her loving and obedient subjects. Wherefore her maj. maketh greater account thereof than 10 subsidies, and so she commanded me to say unto you. Again, her maj. remembreth very well, that this grant was made not by subjects that never did the like before, but by subjects that have been, and continued to be ready from time to time, to contribute towards the necessary charges and defence of the realm; which doth greatly commend and set forth, she saith, this great benevolence of yours. And as to the 2nd, which is, the manner of granting, her highness noteth 2 things especially; the one is universality of consent; and can there be a more universal consent than when all agreeing and none denying as this was? Nay, her highness knoweth that, before her time, these manner of grants passed not but with a great persuasion and many difficulties; whereas this was frankly offered without any persuasion or difficulty at all. The other is the readiness of granting. It is written of benevolence, 'bis dat qui cito dat,' which her maj. saith, may be justly applied to these your proceedings. And to the 3rd, which is the thing granted; she taketh it to be as liberal as any heretofore hath been granted; and therefore hath commanded me to yield unto you her most hearty condign thanks, and withal, to let you understand, that she is as willing and desirous to give you this whole subsidy again, as you have been willing to grant it, if the necessity of the realm and your surety would suffer it. And thus much touching the granting of the subsidy.—Now as to the due and true execution of the same, I am to exhort and also to admonish you, and yet it may be probably said, that persons that have thus bountifully and readily made this grant, wherein and whereby their benevolent minds and hearty affections have been so manifestly declared in granting, that to these persons neither admonishments nor exhortations are due for the true executing of that grant, no more than a spur is to a horse, that runneth as swiftly as he can. Albeit this argument in reason carrieth probability and likelihood with it; yet former experience hath taught that these grants have not been so duly and truly executed, as they have been benevolently granted."

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The Queen having passed all the acts, the parl. was adjourned to the next day; when, in the afternoon, her maj. came again to the house, and the Lord Keeper, by her command, prorogued this parl. to the 5th of Nov. next. A List of the Public Acts passed in this session will be found at the end of the present reign.

*The same Parl. meet again after 24 Prorogations.*] On the 16th of Jan. 1580, the same parl. met once more at Westminster, after 24 prorogations. The State of the Peerage, as it stood at this time, was as follows:—

*Names of the Peers summoned to this Parl.*

Wm. Cecil, lord Burleigh, Lord High Treasurer, &c.
Wm. marq. of Winchester
Edw. earl of Lincoln, lord high-admiral of England
Edw. earl of Oxford, lord great Chamberlain
Tho. earl of Sussex, chamberlain of the household
Philip, e. of Arundele
Hen. e. of Northumb.
Geo. e. of Shrewsbury
Henry, earl of Kent
Henry, earl of Derby
Wm. earl of Worcester
Edw. earl of Rutland
Geo. e. of Cumberland
Hen. e. of Huntingdon
Wm. earl of Bath
Ambrose, earl of Warwick
Hen. e. of Southampton
Francis, e. of Bedford
Henry, e. of Pembroke
Edw. earl of Hertford
Rob. earl of Leicester
Tho. visc. Montague
Tho. visc. Howard of Byndon
Hen. Nevile, lord Bergavenny
George Touchet, lord Audley
Peregrine Bertie, lord Willoughby of Eresby
Edward Parker, lord Morley
Geo. Fiennes, ld. Dacre
Wm. Brooke, lord Cobham
Edw. lord Stafford
Arthur lord Grey of Wilton
Henry lord Scrope of Bolton
Edw. lord Sutton of Dudley
John Nevile, lord Latimer
Jo. Lumley, ld. Lumley
John lord Stourton
Cuthbert lord Ogle
James Blount, lord Mountjoy
John Darcie, ld. Darcie
William Stanley, lord Montegle
William lord Sands
William lord Vaux of Harrowden
Frederick ld. Windsor
Tho. lord Wentworth of Nettlested
Thomas lord Brough
Wm. Paulet, lord St. John of Basing
Lewis lord Mordaunt
Henry lord Cromwell
William lord Evers
Philip lord Wharton
Robert lord Riche
Charles lord Willoughby of Parham
Thomas lord Paget
John lord Darcie of Chich.
Ch. lord Howard of Effingham
Roger lord North
Giles Bruges ld. Chandois
H. Carey, ld. Hunsdon
Oliver lord St. John of Bletso
Thomas Sackvile lord Buckhurst
William West lord de la Ware
Henry lord Cheney of Toddington
Henry lord Norrys of Rycot

*Proceedings on the Death of the Speaker.*] In consequence of the death of their Speaker, the Commons could not proceed to business. Accordingly, a long representation is entered in the Lords Journals, "concerning a great defect in the other house, for want of sir Rob. Bell, kt. lord chief baron of the exchequer, their mouth and Speaker, lately dead. But that they finding good direction what to do, by a former precedent, in a session of parl. holden Sept. 30th, in the 8th year of her reign, had appointed sir F. Knolles, kt. treasurer of the queen's household; sir Js. Crofts, comptroller; sir Fr. Walsingham, and dr. Wilson, secretaries of state; sir Walter Mildmay, kt. chancellor of the exchequer; with several others, in the name of the whole, to go and wait upon the lord chanc. and the Lords, and request their aid and assistance for intimation of the matter to her maj.—Then the lord chanc. first desiring this committee to withdraw awhile, acquainted that house with the Petition of the Commons; who, after due consideration of the premises, thought proper to appoint such of the Lords as were of the privy-council, with the marq. of Winchester and the earl of Arundele, to go along with a select number of the Commons, to represent this case to the queen." The house was then adjourned to the 18th: on which day it is entered, that the lord chanc. produced a Commission from the Queen under the broad seal, whereby he was authorised to call the Commons before him, and to will and command them to repair to their accustomed place, and choose another Speaker. But nothing more is entered in the Lords Journals relative to this matter.

Feb. 6, a bill was brought into the Lords, to oblige all persons whatsoever to come to Church, hear Divine Service, and receive the Sacrament. But it was dropped after the first reading.

*A Subsidy granted.*] March 2d, a bill was sent up by the Commons, for granting a Supply to her maj. of a Subsidy, two 15ths and 10ths, which passed the Lords on the 8th.

*A Difference between the Two Houses.*] A bill passed the Lords, for fortifying the Borders towards Scotland, which was sent down to the Commons, who, on the 8th of March, sent up a new bill to the Lords, to the same purpose, and their old bill with it. On which this remarkable entry is made in their Journals: "This day the Commons sent up a new bill, 'For fortifying the Borders towards Scotland,' and withal, returned a former bill, which the Lords, with great deliberation, had passed, and sent down before, with the same title. Which course the Lords thought to be both derogatory to the superiority of the place, and contrary to the antient course of both houses. And, as they disliked this disorder, so it was their pleasure, that this their misliking should be entered in the records of parl. lest so evil an example might hereafter be used as a precedent." This is one of the first instances we have yet met with, of any material dispute between the two houses. Whether they had any conference to settle this affair is uncertain by the Lord's Journal; but we find, that on

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the 10th, the new bill was read a first time by the Lords, and passed that house on the 15th, with certain amendments, which were agreed to by the Commons.

Causes of Appeal, between party and party, came now to be tried at the bar of the House of Lords, and entered in their Journal. In this session, there is a long memorandum made of a Cause between the marq. of Winchester, his lady, and one Mr. Oughtred; which at last was referred to a committee of Lords, chosen by the parties themselves, for their determination.

*A new Speaker elected.*] The Journals of the Commons begin this session, with a long entry, relating to the death of their Speaker, and the election of a new one. But as this was purely matter of form, we pass it over. John Popham, esq. her majesty's solicitor-general, having been chosen Speaker, in the room of sir Rob. Bell, deceased; he was presented, and confirmed by the queen, on the 20th of Jan. with the usual ceremonies. But what is very remarkable, the Lord Chancellor, in his Answer to the Speaker, when he claimed the accustomed privileges of the house, gave him this admonition: "That the House of Commons should not deal or intermeddle with any matters touching her Majesty's Person or Estate, or Church-government."

*The Commons appoint a Fast, by their own Authority.*] Jan. 21st, Mr. Paul Wentworth made a motion, for a public Fast, and daily Preaching. "The fast to be appointed upon some one certain day, but the preaching to be every morning before the house did sit. That so, they beginning their proceedings, with the service and worship of God, he might the better bless them in all their consultations and actions." This motion occasioned a warm debate, and many speeches, we are told, were made, *pro* and *con*, about it. It is not said what any of their arguments were, only that sir Fs. Knolles, treasurer; mr. Tho. Cromwell, and mr. Alford, spoke against the motion; and mr. Cook, mr. Sec. Wilson, and mr. Serjeant Flowerden, for it. Mr. Norton also shewed precedents, that there had been Fasts in London, appointed only by the council. By which, says the Journalist, he seemed to infer, that a parl. ought the rather to do it. However, the house being divided about this matter, it was put to the question, when 115 voices were for, and 100 against it. This Paul Wentworth was brother to Peter, who began the last session with a Speech on the Liberty of Parliaments. (See p. 784.) On the Resolution aforesaid, a Fast was appointed to be kept, in the Temple-church, on the 29th of Jan. there to assemble and meet together, to hear preaching, and join in prayer, humiliation, and fasting, &c. Jan. 24th the following entry is made in the Journals:

Mr. *Speaker* declared himself, for his own part, to be very sorry for the error that happened here in this house upon Saturday last, in resolving to have a public Fast; and sheweth her maj.'s great misliking of the proceeding of this house therein, declaring it to fall out in such sort as he before did fear it would do; and, advising the house to a submission in that behalf, further moved them to bestow their time and endeavour hereafter, during the session, in matters proper and pertinent for this house to deal in, and to omit all superfluous and unnecessary motions and arguments, with all due regard and consideration to the order of the house.

Mr. *Vice-Chamberlain* declaring a Message from her maj. to this whole house, by her highness's commandment shewed unto them her great admiration of the rashness of this house, in committing such an apparent contempt against her maj.'s express commandment, very lately before, delivered unto the whole house by the lord chanc. in her highness's name, as to attempt and put in execution, such an innovation as the same Fast, without her maj.'s privity and pleasure first known; blaming first the whole house, and then mr. Speaker; and declaring her maj.'s protestation for the allowing of fasting and prayer, with the use and exercise thereof in her own person; but reproving the undutiful proceeding of this house, as against the duty of subjects, did nevertheless, very eloquently and amply, set forth her maj.'s most hon. and good acceptation of the zeal, duty, and fidelity, of this whole house towards Religion, the safety of her highness's person, and the state of this commonwealth; (in respect whereof her maj. hath so long continued this parl. without dissolution) and declared further, to the great joy and comfort of this whole house, that her maj. nevertheless, of her inestimable and princely good love and disposition, and of her highness's most gracious clemency, construeth the said offence and contempt to be rash, unadvised, proceeding of zeal, and not of the wilful and malicious intent of this house, or of any member of the same; imputing the cause thereof partly to her own lenity towards a brother of that man which now made this motion; (mr. Wentworth) who in the last session was by this house for just causes reprehended and committed, but by her maj. graciously pardoned and restored again. And after many excellent discourses and dilatations of her highness's most hon. and loving care for the advancement of religion and the state, wherein she had before signified her prohibition to this house by the lord chanc. shewed that her highness hath already deeply consulted upon those matters in all due and needful respects, and prepared fit and apt courses to digest them, meet and ready to be delivered unto this house from her highness, by such direction as her maj. thinketh most convenient. And so persuading this house to employ the time about the necessary service of the queen's maj. and of the commonwealth, with due and grave regard to the ancient orders of this house, concludeth, that he thinketh it very meet, that this whole house, or some one of this house, by warrant of the house, in the name of the said

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house, do make most humble submission unto her maj.; acknowledging the said offence, and praying remission of the same at her highness's hands, with full purpose hereafter to forbear committing of the like offence.

Mr. *St. Leger* extenuated the said offence; urging 1st, their great affection to her maj. the sincerity of their intention in that motion of the fast; then the imperfections and sins to which not only private men, but public states are also subject, and therefore needed to be supported by prayer, and humiliation; and then he urged, the great fault and remissness of the bps. who suffered that most necessary duty of fasting and humiliation to grow even out of use in the church; lastly, he trusted that both her maj. and all her subjects, would be ready to express their true repentance to God in humbling themselves in sack-cloth and ashes.

Mr. *Chancellor of the Exchequer* admonished the house of their duty which they did owe to so good and gracious a prince, and urged the house to submission.

Mr. *Seckford*, urged the same submission, but thought it very fitting, and could wish it; that mr. Vice-Chamberlain who had brought the Message from her maj. of her displeasure, might also carry the house's submission back again unto her highness.

Mr. *Flowerden* shewed the sincerity of his intention in speaking for the Fast; but now concluded, that it was most fitting for the house to make their submission to her maj.

Mr. *Carleton* stood up and offered to have spoken, but was interrupted by mr. Speaker and the house. Then

Mr. *Speaker* asked the question, Whether mr. Vice-Chamberlain should carry the submission of the house to her maj. and it was agreed to by the consent of the whole house.

Mr. *Carleton* offered again to speak, saying with some repetition, that what he had to move was for the Liberty of the house; but the Speaker notwithstanding, and the house (out of a tender care as it seemeth to give no further distaste to her maj.) did stay him.

Jan. 25, Mr. Vice-Chamberlain brought Answer from her maj. of her most gracious acceptation of the submission, and of her maj.'s admonition and confidence of their discreet proceeding; with one special note, that they do not misreport the cause of her misliking, which was not, for that they desired Fasting and Prayer, but for the manner in presuming to indict a Form of publick Fast without order and without her privity, which was to intrude upon her authority ecclesiastical.

*Motion for securing the Kingdom, &c. against the Pope, &c.*] Sir *Walter Mildmay*, chancellor of the exchequer, rose and said, "Mr. Speaker, The principal cause of our assembly here, being to consult of matters that do concern the realm, I have thought good with your patience, to remember you of such things, as for the weight and necessity of them I take to be worthy of your considerations. Wherein I mean to note unto you what I have conceived, 1st of the present State we be in; next, of the Dangers we may justly be in doubt of; and lastly, what Provision ought to be made in time to prevent or resist them.—That our most gracious Queen did at her first entry loosen us from the yoke of Rome, and did restore unto this realm the most pure and holy religion of the gospel, which for a time was over-shadowed with Popery, is known of all the world, and felt of us to our singular comforts. But from hence, as from the root, hath sprung that implacable malice of the Pope, and his confederates against her, whereby they have, and do seek, not only to trouble, but if they could, to bring the realm again into thraldom; the rather for that they hold this as a firm and settled opinion, that England is the only settled monarchy that most doth maintain and countenance religion, being the chief sanctuary for the afflicted members of the church that fly thither from the tyranny of Rome, as men being in danger of shipwreck, do from a raging and tempestuous sea, to a calm and quiet haven. This being so, what hath not the Pope essayed to annoy the Queen and her State, thereby, as he thinketh, to remove this great obstacle that standeth between him and the over-flowing of the world again with Popery? For the proof whereof these may suffice. The northern Rebellion stirred up by the Pope, and the quarrel for Popery: The maintenance sithence of those rebels and other fugitives: The publishing of a most impudent, blasphemous and malicious bull against our most rightful queen: The Invasion into Ireland by James Fitz-Morrice, with the assistance of some English rebels: The raising of a dangerous Rebellion in Ireland by the earl of Desmond and others, intending thereby to make a general revolt of all the whole realm: The late invasion of strangers into Ireland, and their fortifying it. —The Pope turned thus the venom of his curses and the pens of his malicious parasites into men of war and weapons, to win that by force, which otherwise he could not do. And though all these are said to be done by the Pope, and in his name, yet who seeth not that they be maintained under-hand by some princes his confederates? And if any man be in doubt of that, let him but note from whence the last invasion into Ireland came, of what country the ships, and of what nation the most part of the soldiers were, and by direction of whose ministers they received their victual and furniture.—For the Pope of himself at this present, is far unable to make war upon any prince of that estate which her maj. is of, having lost, as you know, many years, by the preaching of the gospel, those infinite revenues which he was wont to have out of England, Scotland, Germany, Switzerland, Denmark, and others; and now out of France and the Low-Countries; so as we are to think that his name only is used, and all, or the most part of the charge, born by others.

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The Queen nevertheless by the almighty power of God standeth fast, maugre the Pope and all his friends; having hitherto resisted all attempts against her, to her great honour, and their great shame. As; The Rebellion in the north suppressed without effusion of blood, wherein her maj. may say as Cæsar did, 'Veni, vidi, vici;' so expedite and so honourable was the victory that God did give her, by the diligence and valour of those noble men that had the conducting thereof: The Enterprize of James Fitz-Morice defeated, and himself slain: The Italians pulled out by the ears at Smirwick in Ireland, and cut in pieces by the notable service of a noble captain and valiant soldiers.—Neither these nor any other threatenings or fears of danger hath, or doth make her to stagger or relent in the cause of Religion; but like a constant christian princess, she still holdeth fast the profession of the Gospel, that hath so long upholden her, and made us to live in peace 22 years and more under her most gracious govt. free from those troubles that our neighbours have felt.—But yet notwithstanding, seeing our enemies sleep not, it behoveth us not to be careless, as though all were past; but rather to think, that there is but a piece of the storm over, and that the greater part of the tempest remaineth behind, and is like to fall upon us by the malice of the Pope, the determinations of the council of Trent, and the combination of the Pope with other monarchies and princes devoted unto Rome; assuring ourselves that if their powers be answerable to their wills, this realm shall find at their hands all the miseries and extremities that they can bring upon it. And though by the late good success which God hath given in Ireland, these lewd and malicious enterprizes seem for a time to be as it were at a stand; yet let us be assured, that neither their attempts upon Ireland, neither the mischiefs intended against England will cease thus; but if they find us negligent, they will be ready with greater forces than have been yet seen. The certain determination which the Pope and his combined friends have to root out the religion of the gospel in all places, and to begin here as their greatest impediment, is cause sufficient to make us the more vigilant, and to have a wary eye to their doings and proceedings, how smoothly soever they speak or dissemble their friendships for the time: for let us think surely, that they have joined hands together against us; and if they can, they will procure the sparks of the flames that have been so terrible in other countries, to fly over into England, and to kindle as great a fire here. And as the Pope, by open hostility, as you see, hath shewed himself against her maj.; so the better to answer in time the purposes that he hath set down in the mean season till they come to ripeness, he hath and doth by secret practices within this realm leave nothing untried, emboldening many unfaithful subjects to stand fast in their disobedience to her maj. and her laws. For albeit the pure religion of the gospel hath had a free course, and hath been freely preached now many years within this realm by the protection of her maj.'s most christian govt.; yet such have been the practices of the Pope and his secret ministers, as the obstinate and stiff-necked Papist is so far from being reformed, as he hath gotten stomach to go backward, and to shew his disobedience not only in arrogant words, but also in contemptuous deeds.—To confirm them herein, and to increase their number, you see how the Pope hath and doth comfort their hollow hearts with absolutions, dispensations, reconciliations, and such other things of Rome. You see how lately he hath sent hither a sort of hypocrites, naming themselves Jesuits, a rabble of vagrant friars newly sprung up, and running through the world to trouble the church of God; whose principal errand is by creeping into the houses of men of behaviour and reputation, not only to corrupt the realm with false doctrine, but also under that pretence, to stir up sedition, to the peril of her maj. and her good subjects. —How these practices of the Pope have wrought in the disobedient subjects of this land, is both evident and lamentable to consider. For such impression hath the estimation of the Pope's authority made in them, as not only those which from the beginning have refused to obey, but many, yea, very many of those which divers years together did yield and conform themselves in their open actions, sithence the decrees of that unholy council of Trent, and sithence the publishing and denouncing of that blasphemous Bull against her maj. and sithence those secret absolutions and reconciliations, and the swarming hither of a number of Popish priests and monkish Jesuits, have and do utterly refuse to be of our Church, or to resort unto our preaching and prayers. The sequel whereof must needs prove dangerous to the whole state of the common-wealth. —By this you see what cause we have justly to doubt great mischief threatened to this realm; and therewith you may easily see also how for the preventing and withstanding of the same, it behoveth her maj. not only to provide in time sufficient laws for the continuing of this peaceable govt. but also to be ready with forces, to repress all attempts that may be enterprized, either by enemies abroad, or by evil subjects at home. What difference there is between the Pope's persecuting Church, and this mild Church of the Gospel, hath been seen in all ages, and especially in the late govt. compared with the merciful time of her maj.'s reign: the continuance of which clemency is also to be wished, so far as may stand with God's honour and the safety of the realm; but when by long proof we find, that this favourable and gentle manner of dealing with the disobeyers and contemners of Religion, to win them by fair means if it were possible, hath done no good, but hath bred in them a more arrogant and contemptuous spirit, so as they have not only presumed to disobey the

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laws and orders of the realm, but also to accept from Rome secret absolutions, reconciliations, and such like; and that by the hands of lewd runagates, priests, and Jesuits, harbouring and entertaining them even in their houses; thereby shewing an obedience to the Pope, by their direction also nourishing and training up their children and kinsfolks, not only at home, but also abroad, in the seminaries of Popery; now I say it is time for us to look more narrowly and strictly to them, lest as they be corrupt, so they prove dangerous members to many born within the entrails of our commonwealth.—And seeing that the lenity of the time, and the mildness of the laws heretofore made, are no small cause of their arrogant disobedience, it is necessary that we make a Provision of Laws more strict and more severe; to constrain them to yield their open obedience, at the least, to her maj. in causes of Religion, and not to live as they list, to the perilous example of others, and to the encouraging of their own evil affected minds; but if they will needs submit themselves to the benediction of the Pope, they may feel how little his curses can hurt us, and how little his blessings can save them from that punishment which we are able to lay upon them; letting them also find, how dangerous it shall be for them to deal with the Pope, or any thing of his, or with those Romish priests and jesuits; and therewith also how perilous it shall be for those seditious runagates to enter into the land, to draw away from her maj. that obedience, which by the laws of God and man are due unto her. This then is one of the Provisions which we ought to take care of in this council, whereby we may both enjoy still that happy peace we live in, and the Pope take the less boldness to trouble us, by any favour he shall find here. The next is Provision of Forces sufficient to answer any violence that may be offered either here or abroad; for the which you know it is requisite that her maj. do make preparation both by sea and by land. God hath placed this kingdom in an island environed with the sea as with a natural and strong wall, whereby we are not subject to those sudden invasions which other frontier countries be. One of our greatest defences standing by sea, the number of good ships is of the most importance for us. What the queen's navy is, how many notable ships, and how far behind is the navy of any other prince, is known to all men; and therewith also it may be easily considered how great charges be incident to the same. Necessary also it is, that her maj. have Forces by Land sufficient to chastise the rebels in Ireland, and to repress any foreign attempts either there or here. For which services, either by land or by sea, her maj. needeth not as other princes are fain to do, to entertain necessary soldiers of Foreign Countries hardly gotten, costly and dangerously kept, and in the end little or no service done them; but may bring sufficient forces of her own natural subjects, ready and easy to be levied, that carry with them willing, valiant, and faithful minds, such as few nations may easily compare with. But these forces, with their furniture and munition, can neither be prepared nor maintained to have continuance, without provision of Treasure sufficient to bear the charge, being as you know termed of old 'nervus belli.' This belongeth to us to consider, and that in time there be not lack of the sinews that must hold together the strength of our body. And because, through the malice of our enemies, her maj. is driven to keep great Forces in Ireland, for the better suppressing of that Rebellion to her exceeding charge; and for that also it is uncertain, how sudden and how great other attempts may be; therefore in reason, our Supply of that maintenance ought to be the more, especially the wars being at this day so costly as every man in his private expence may easily judge. But lest that peradventure some may judge, that the contribution granted by us now 5 years past, both frankly and dutifully, might suffice for many years without any new; I dare assure you for the acquaintance I have (though I be unworthy) with those her maj.'s affairs, that the same hath not been sufficient to answer the extraordinary charges happened since then, especially those of Ireland, by the one half; but her maj. hath supplied the rest out of her own revenues, sparing from herself to serve the necessity of the realm, and shunning thereby Loans upon Interest, as a most pestilent canker that is able to devour even the states of princes. Which being so, as it is most true, we are not to think upon the charge that is past, but the good we have received by it, being by that provision well and honourably defended against the malice of our enemies. And therefore considering the great benefit we have received by the last payment, being easily taxed and easily borne, whereby we have kept all the rest in peace; let us, as provident counsellors of this state, prepare again in time that which may be able to withstand the mischiefs intended against us. To do this willingly and liberally, our duty to our queen and country, and our safeties, move us. The love and duty that we owe to our most gracious queen, by whose ministry God hath done so great things for us, even such as be wonderful in the eyes of the world, ought to make us more careful for her preservation and security than for our own.—The same love and duty that we owe to our gracious sovereign, and to this our native country, ought to make us all think upon the realm of Ireland as upon a principal member of this crown, having continued so this 400 years or more. To lose that land, or any part thereof, which the enemies seek, would not only bring with it dishonour, but also prove a thing most dangerous to England; considering the nearness of that realm to this, and the goodness of so many notable havens as be there. Again, to reform that nation by planting therein religion and justice, which the enemies labour to in-



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terrupt, is most godly and necessary; the neglecting whereof hath and will continue that people in all irreligion and disorder, to the great offence of God, and to the infinite charge of this realm.—Finally, let us be mindful also of our safety, thereby to avoid so great dangers, not seen afar off, but imminent over our heads. The quietness that we have by the peaceable govt. of her maj. doth make us to enjoy all that is ours in more freedom than any nation under the sun at this day: but let not that breed in us a careless security, as though this clear sun-light could never be darkened; but let us think certainly that the Pope and his favourers do both envy our felicity, and leave no practice unsought to overthrow the same. And if any man be so dull (as I trust there be none here) that he cannot conceive the blessedness of this our golden peace, except he felt the lack of it; let him but cast his eyes over the seas, into our neighbour's countries, and there behold what trouble the Pope and his ministers have stirred against such as profess the same religion of Jesus Christ as we do.—Therefore to conclude. Seeing the malice of the pope and his confederates are so notorious unto us, and seeing the dangers be so great, and seeing that preparations to withstand them cannot be made without support of the realm; and seeing that our duties to God, our queen and country, and the necessity that hangeth upon our own safe-guards, be reasons sufficient to persuade us; let us think upon these matters as the weight of them deserveth; and so provide in time both by laws to restrain and correct the evil affected subjects, and by provision of that which shall be requisite for the maintenance of forces as our enemies finding our minds so willing, and our hands so ready to keep our country in order, and to furnish her maj. with all that shall be necessary, may either be discouraged to attempt any thing against us, or if they do, they may find such resistance, as shall bring confusion to themselves, honour to our most gracious queen, and safety to us all."

Mr. *Norton* pursued the same admonition, and required the house to proceed to a manner of executing it; which in his opinion was to appoint all the privy-council of this house, and certain other fit persons, to consult of bills convenient to be framed according to the said motion to be presented to the house; which motion also was well allowed, and Committees were accordingly appointed.

There were few debates on any considerable points during this session; the bill for a Supply being passed without any. There are also many orders and regulations relating to Elections, &c. but none of them are material enough for our purpose. The house also thought fit to petition the queen, on the old score of making some farther Reformation in Religion. But this was touched so tenderly, in the Petition, that she thought fit to give them a favourable answer to it: on which the house came to a resolution to take no more notice of this affair, but to leave it to the Speaker, in his Speech at the end of the session, to recommend this Reformation to her maj. as he thought proper.

*The Speaker's Speech to the Queen at the close of the Session.*] March 18th, the Queen came to the house of lords, when the Speaker of the Commons, &c. being admitted, on the presenting of the Bills to her maj. he spoke to this effect:—"That the chief purpose in making of Laws did consist of 3 principal parts, to wit, the first, for the true and sincere service and glory of God; 2ndly, for the surety and preservation of her maj.'s person; and 3rdly, for the good, quiet, and benefit of the commonwealth; ascribing the sincere and plentiful preaching of God's Word, with the due and right use of Prayer and Administration of the Sacraments, and the true exercise and discipline in the churches, to be the ordinary means both of the advancement of God's glory, her maj.'s safety, and of her subjects prosperity; the dew of the Word watering and bringing forth in all good christian consciences, the true knowledge and fear of God, faithful love and due obedience unto her maj. and perfect unity in the general society of this commonwealth. And the exercise of the sword of Discipline to cut off, repress and correct all excesses and errors tending to the impeachment of all good effects aforesaid. Declaring further unto her highness, that her maj.'s nobles and commons in this present parl. had very carefully, gravely, and dutifully travelled in this present session, to devise and ordain good and wholesome laws for those ends and purposes, to be established and allowed by her highness; and also, some other good and necessary laws, as well for the whole state of the commonwealth in general, as for the private benefit and necessary relief of sundry her maj.'s particular good subjects: and so recommending all the same unto her highness, and especially 2 of them, whereof one doth chiefly and principally tend to the bridling and reforming of her maj.'s disobedient and obstinate subjects, the utter adversaries of true religion, and the most pernicious and dangerous enemies of her highness's most royal person, state and govt.; the 2nd, for the due maintenance and preservation of her majesty's honour, good fame and dignity; humbly besought her majesty to give life unto all the said Laws by her royal assent. And then yielding unto her highness most humble thanks, in the name of the whole house, for her maj.'s most gracious acceptation of their most humble petition unto her highness for Reformation of some Abuses yet remaining in the church; and most humbly renewing the speedy consideration thereof unto her maj.'s good remembrance at her good will and pleasure, did further most humbly beseech her highness, in the name and behalf of the Commons of her realm, that her maj. would (at their most humble suit, the rather) have a vigilant and provident care of the safety of her

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most royal person, against the malicous attempts of some mighty foreign enemies abroad, and the traiterous practices of most unnatural disobedient subjects both abroad and at home, envying the blessed and most happy and quiet govt. of this realm under her highness; upon the thread of whose life only, next under God, dependeth the life and whole state and stay of every her good and dutiful subjects.—And withal, that it might please her highness to have such good care and regard generally for the maintenance of Mariners, and of Navigation, the very strength and walls of her maj.'s realms and dominions, as may seem most convenient unto her highness from time to time. And so declaring, that her maj.'s Nobles and Commons, having had consideration of her highness's great charges many ways for defence of her realms and people against foreign enemies, and rebellious subjects, both already employed, and hereafter to be employed, have granted unto her highness one Subsidy, and two 15ths and 10ths, which they besought her highness to accept in good part according to their humble duties; and gave her maj. most humble thanks for her highness's most gracious, general and free Pardon."

*The Lord Chancellor's Answer.*] The *Lord Chancellor* by her maj.'s commandment, answering very excellently and briefly the parts of mr. Speaker's oration, did amongst other things deliver her maj.'s most hearty thanks unto both Houses, for their great and good care for the safety of her person, and also of her honour, good fame and dignity; not yet comprehending within those general thanks, such members of the Commons as have this session dealt more rashly in some things than was fit for them to do; and giving them withal like hearty thanks for the said contribution of a Subsidy and two 15ths and 10ths, in that it was granted as willingly and frankly, and also as largely and amply, and to be answered as speedily, as any other like ever hath been; taking the same in as good part as if it had been to her own private use; where in very deed it is to be employed to the general service and benefit of the whole realm.—Then giving the royal assent to 15 public and 15 private bills, he prorogued the parl. to the 24th of April.

We have now another chain of Adjournments, from time to time, of the same parl. for 3 years more. During this period, except the affair of the still imprisoned Queen of Scots which will be treated of in the sequel, there is nothing to our purpose.

*The Parl. dissolved, after 18 Prorogations.*] On the 19th of April 1583, the parl. being met, after 18 prorogations, the lord chancellor delivered a Commission from the queen, directed to himself, and many of the peers, to the clerk of parl. to be read; by which Commission, they were authorized to dissolve it. Accordingly, this parl. was dissolved, after it had subsisted very near 11 years.

*A new Parl. called.*] Writs were issued for a new parl. to meet on the 23d of Nov. 1585. The Journals of the Lords are now a little more particular in the recital of their daily proceedings, than of late years. We are told that, on the meeting, the lord chancellor, Bromley, opened the cause of the summons, by the queen's command, being seated on the throne, in a short, but accurate Speech for that purpose. The Receivers and Tryers of Petitions, being appointed, the next day the Commons presented John Puckering, esq; serjeant at law, to the queen, for their Speaker, who, with the usual ceremonies, was admitted. No particular speeches are entered, in either Journal, at the meeting of this parl. On the 21st of Dec. the Queen by her letters patents, adjourned the parl. to the 4th of Feb. following.

*Act against Jesuits, Seminary Priests, &c.*] Two days before the said adjournment happened, a remarkable bill was sent up by the commons, entitled, 'A bill against Jesuits, Seminary Priests, and other such disobedient Persons.' On the 2d day of their meeting, after the adjournment, this bill was re-assumed; and on the first reading in the lords, was committed. We hear no more of this bill till March 10th, when a Conference was desired by the lower house with some of the Lords about it. On the same day another was sent up with this title, 'An act for the Security of her Majesty's most Royal Person, and continuing the Realm in Peace.' March 15, the Jesuit's bill passed the Lords with some amendments, agreed to by both houses, and afterwards became a statute. By it was enacted, "That they, and all other Popish priests, should depart the realm within 40 days. That those who should afterwards return into the kingdom, should be guilty of high-treason. That he, who shall wittingly and willingly harbour, relieve, and maintain them, should be guilty of felony; that those English who were brought up in seminaries abroad, if they returned within 6 months after notice given, and submitted not themselves to the queen, before a bp. or two justices, should be guilty of high-treason. And if any, so submitting themselves, should within 10 years approach the queen's court, or come within 10 miles thereof, their submission should be void. That they, who by any means whatsoever, should send or convey over any money to students in such seminaries, should incur the penalty of a Præmunire. That if any of the peers of the realm, or barons of parl. should offend against these laws, he should be brought to his trial by his peers. That if any should know of any such Jesuits, or other priests, above said, lurking within the realm, and should not discover them within 12 days, he should be fined and imprisoned at the queen's pleasure. That if any man should be suspected to be a Jesuit or Priest, aforesaid, and not submit himself to examination, he should, for his contempt, be imprisoned till he did submit. That he who should send his children, or any others,

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to seminaries and colleges of the Popish profession, should be fined 100l. And that those, who were so sent thither, should not succeed as heirs, nor enjoy any estates, which should any way fall to them; the like for all such as should not return home from the said seminaries, within a year, unless they did conform themselves to the church of England. That if the wardens or officers of the ports should permit any others, besides seamen or merchants, to cross the seas, without licence from the queen or 6 privy-counsellors, they should be put out of their places; and the masters of such ships as carried them, should forfeit their ships and goods, and suffer imprisonment for a year."—Cambden informs us that the bill met with no opposition, in either House, but, only, from one member of the Commons. His name was Wm. Parry, a Welshman, and a civilian; who, pleading against it, said, that 'it was a cruel, bloody and desperate law, and would be of pernicious consequence to the English nation.' Being desired to shew his reasons, he obstinately refused, unless it was before the queen's council. Upon this he was taken into custody; but, his reasons being afterwards heard, and submission made, he was admitted again into the house. Though, this zealous man had better have held his tongue; for, shortly he was accused of being in a plot to subvert the govt. and take away the Queen's life: and was found guilty and executed, as a traitor for it, before the palace-gate at Westminster, whilst the parl. was yet sitting. See Cambden, p. 501, also, a long account of this conspiracy and Parry's confession, &c. in Hollingshead, p. 1384.

*Act for the Surety of the Queen's Person*] Another strong bulwark was framed this parl. in support of the present govt.; and that was a bill mentioned before, for the Surety of the queen's Royal Person, and the continuance of Peace in the Realm. This was a stroke, aimed, directly, at the Queen of Scots and her title, and whoever durst attempt to set it up. It was passed in the Lords, March 13; and by it an Association, as it is here called, was established; the first of this kind we have yet met with. Thereby it was enacted, "That 24, or more, of the privy council and house of lords, to be deputed by the queen's commission, should make inquisition after all such as should invade the kingdom, raise rebellion, or attempt to hurt or destroy the queen's person, for or by whomsoever employed that might lay claim to the crown of England. And that the person, for whom or by whom they should attempt the same, should be utterly uncapable of any title to the crown, be deprived wholly of all right to it, and prosecuted to death by all faithful subjects; if the person should be judged, by these 24 men, to be guilty of such rebellion, invasion, or treasonable attempt, and by public proclamation so declared."

*A Subsidy.*] March 13th, the Commons sent up a Grant of a Supply to her maj. consisting of one entire Subsidy, which was 2s. 8d. on goods, and 4s. on lands, according to Stowe, p. 702; and two 15ths and 10ths. On the 2d reading, the Lords dropped the 10ths; and it was passed so by the printed statutes. An act for a Subsidy of 6s. in the pound, from the Clergy, to be paid in 3 years, was, also, confirmed this session.

The first bill of moment read in the Commons was, for the better and more reverent observance of the Sabbath-Day. Nov. 27, it was committed to a number of members; who, we find, framed a new one, which was read, but did not pass the two houses without much dispute and great difficulty.

Nov. 28, sir Walter Mildmay, chanc. of the excheq. taking occasion to speak of the sudden calling of this parl. at such an unseasonable time of the year, and the likelihood of the short continuance of it, did thereupon declare the same to be called for very urgent and necessary causes. Sir C. Hatton, spoke to the same effect; but both the speeches are omitted in the Journals, though they lasted above 2 hours. At the end of which a Committee was appointed to consider of a Supply.

Dec. 14, three Petitions were read touching the Liberty of godly Preachers, to exercise and continue their ministry; and also, for the speedy supply of able and sufficient men into divers places, now destitute of the ordinary means of Salvation. But though the further proceedings were deferred to a more convenient time by the house, yet, one dr. Turner rose up and put the house in mind of a Bill and Book which he had offered to them; and, as he said, this Bill and Book being framed by certain godly and learned ministers, tending, as he conceived, to the glory of God, the safety of her maj. and the good of the commonwealth; therefore prayed that it might be read. To this, sir Fr. Knolles replied, but in few words; and after him sir C. Hatton more largely; who pressed and moved the house so much therein, that it was at length resolved that the said Bill and Book should not be read. And, as to all necessary liberty to the aforesaid ministers, or a supply of able men in places that wanted, it was not doubted but that her maj. would take some speedy order about them. Then sir C. Hatton moved, "That for the better and more speedy expedition of other great matters now in hand, the house would proceed to the reading of a bill, lately finished, for the Safety and Preservation of the Queen's Royal Person. And the rather because he conceived they would shortly be adjourned till after Christmas."

*Dr. Parry opposes the Bill against Jesuits and Seminary Priests, &c.*] Dec. 17, the bill against Jesuits, Seminary Priests, and such like disobedient Subjects was passed with little or no opposition, but from dr. Parry, mentioned before. The Journals of the Commons are more particular, than the historian before quoted, about this affair, which we shall give in their own words as follows:—"The bill

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passed the house with little or no argument, except from one dr. Parry, who in very violent terms spake directly against the whole bill; affirming it to savour of treasons, to be full of blood, danger, despair, and terror or dread to the English subjects of this realm, our brethren, uncles, and kinsfolks; and also full of confiscations, but unto whom? Not, said he, to her maj. (which he wished they were) and said, he did not think the contrary but that zeal would cause the bill to have passage both in this House and with the Lords; but yet he hoped when it should come into her highness's most merciful hands, that it would stay and rest there; until which time he would reserve his reasons of his negative voice against the bill, then to be discovered by him only unto her maj.—Whereupon dr. Parry, by order of this House, was appointed to be sequestered into the outer room of this house into the serjeant's custody, and without conferring with any, whilst the matter now in question, concerning his former speeches against the bill last passed, is in debating, until he shall be called in again. And afterwards, being brought to the bar, and there kneeling upon his knee, he was told by mr. Speaker in name of the whole House, That if he thought good, the House was contented to hear him what reasons he could yield for himself in maintenance of his said speeches against the aforesaid bill, to the better satisfaction of this House; or what other matter of excuse he could alledge touching his former contempt, uttered in the presence of this said house, in very unseemly manner, and in unfitting words, in that he did speak so reproachfully against a bill, first travelled in, and publicly allowed of in the House; and then considerately and maturely perused and digested by so great and grave a committee, selected out of the ablest members of this House, who having further diligently and dutifully laboured therein, and brought it again into the House with one unanimous approbation of it as of a good and necessary bill; and that, lastly, it had been also so approved of this day, and upon the 3rd reading had passed the House; and yet, that he, the said dr. Parry, had termed the said bill to be a bill savouring of treasons, and to be full of confiscations, blood, danger, despair, and terror to the subjects of this realm; and withal, that he would well prove and justify the same by good reasons, which nevertheless he would not deliver to this House; but would reserve them only to be revealed to her maj. Whereupon being further demanded as aforesaid, What further excuse or defence he could make for himself? He answered, That what he had said (and bound it with a protestation) was without any intent of offence towards the Queen or towards the House; and made repetition of his said former words, and still avowed the justification of the same. And so entering into some declaration of his own estate tending altogether to his own credit, as of his sundry good services done to her maj. his reputation with persons of good sort, and other such like speeches, concluded, that as before when he spake to the bill, and gave his negative voice to the same, he then concealed his said reasons from this house, so he would now conceal the same still.—Whereupon being sequestred again, it was resolved, That for that he did speak to the bill, and gave his negative voice so directly and undutifully, and in contempt of this house would not shew his reasons for the same, being merely against the ancient orders and usage of this high court, and not for that he said he would shew them only to be discovered to her maj. it was resolved, That he should be committed to the serjeant's ward till the matter shall be further considered of by this House, the day being then very far spent.—The next day mr. Vice-Chamberlain declared unto the House, that her maj. having been made privy unto the misbehaviour of dr. Parry yesterday shewed in this house, and of the order of this House taken therein with him for the same; her highness doth not only deem him to have given just cause of offence unto this house, but also doth very well allow of the grave discretion of this House, in forbearing for the time to use any sharp course of correction against him; in respect that he had said he reserved his reasons to be imparted to her maj. only; which as he had discovered unto some of the Lords of the Council by her highness's appointment, and that partly to the satisfaction of her maj. so her highness did think, that upon his humble submission unto this House, with a dutiful acknowledgment of his fault, this house would the rather dispense with him therein.—Which done, dr. Parry was called to the bar, where humbly acknowledging his fault upon his knees, it was told him by mr. Speaker, after he had put him in remembrance of the manner of his offence, that it might be the House would nevertheless deal favourably with him, if they should see such cause upon his unfeigned and earnest confession and repentance of his fault, and his humble submission unto the house, with good and dutiful endeavour of amendment hereafter. And then kneeling upon his knee in very humble manner, affirmed directly, that he had very undutifully misbehaved himself, and had rashly and unadvisedly uttered those speeches he used, and was with all his heart very sorry for it; alledging withal, that he had never been of this House before this session, and so could not so well know the orders of the House as he should do; and that he would not willingly offend this House, nor any man in it; and so humbly prayed their good favour towards him.—Whereupon being sequestered again out of the House, it was after some arguments and speeches had, resolved, That upon that his said acknowledgment of his fault, and his humble submission, he should be received into this House again as a member of the same, and take his place as before, so that he would afterwards use himself in good sort as he ought to do. And thereupon being called again to the bar, and there kneeling

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upon his knee, and directly reiterating his former confession of his fault, and also, his former humble submission; protesting further, that if ever after he should give any just cause of offence again to this House, or any member thereof, he would then never after crave any more favour of them.—Whereupon mr. Speaker declared the good pleasure of this House in remitting his said offence by receiving him again into them, with condition and hope of his better behaviour hereafter. Which as he professed and promised to perform accordingly, so did he in very good dutiful sort, give most humble thanks unto God, and to her maj. and also unto this whole House, and to every member of the same, for their good, courteous, and favourable dealing towards him in this behalf."—But the affair had a more tragical end after Christmas, as hath been already related.

*The Parl. adjourned.*] Dec. 10, Mr. Vice-Chamberlain declared unto the house, that her maj. considering the great pains and faithful travels of that house in the service of affairs in the realm, had determined to adjourn the parl. till after Christmas; that gentlemen might the more conveniently repair to their own home, in the mean time, for their better ease and recreation. On which it was resolved, that the most humble and dutiful Thanks of this House be returned to her maj. for this her most gracious consideration, and for her gracious acceptation of their dutiful care for providing for the security of her royal person.

*The Queen's Answer to the Address of Thanks.*] To this Address of Thanks mr. Vice-Chamberlain returned the following Answer; "in which he set forth her maj.'s most gracious acceptation of the humble and most dutiful thankfulness of this House, so presented unto her highness, to her right great and high satisfaction, joy, and comfort; and declared withal, that her highness did for the same give most hearty and loving Thanks unto this whole House, yea, and that in redoubling to them their thanks ten thousand thousandfold; and so further shewed both the ready, careful, and obedient affections of this whole House to the dutiful service of her maj. and also on the other side, her highness's incomparable princely account and regard of all such loyal, loving, and faithful subjects; and concluded, that her maj.'s pleasure was, that this House should well know, that in the consideration of the free course of the gospel of Jesus Christ amongst us, our long continued peace, and plenty of God's good blessings and benefits bestowed upon us under the ministry of her highness, her maj. doth most sincerely ascribe all the same only and wholly to the great goodness and mercy of Almighty God; attributing the cause of these good effects (next under God's Providence) to the good demerits of so religious, godly, and obedient subjects, of whom how well and kindly her maj. doth think and conceive, her highness had much rather have told them in her own most royal person, than have signified it unto them by any other, if it might have conveniently been so done, as upon the opportunity of a prorogation or dissolution of this court. And further declared, that her maj. having regard to the great charges and expences of their attendance in the service of this great council of the realm, wisheth them, at their next meeting again, to bestow the time as much as may be, in public and general actions, fittest for the commonweal of this realm, and that with as little loss of time as may be. And withal, that those of this House towards the Law would join together, to do their best endeavours to devise some good laws to abridge and cut off the long and tedious courses, and extreme chargeable circuits, and superfluous delays of Suits in Law; not doubting, but that in so doing God will bless their wealth and good estates, both in themselves and in their posterity. And so having, as he thought, dutifully imparted unto them the sum and substance of her maj.'s pleasure and message committed unto this house by him, though not in such effectual and singular kind terms and forms as her princely wisdom delivered the same unto him; and so referring himself to the residue of this house of her maj.'s council, then and now present, to be put in remembrance by them, if he have omitted any part thereof, and they affirming he had not, he ended his speech."

*Mr. Vice-Chamberlain's Prayer in the House, &c.*] Dec. 21, when the parl. was adjourned to the 4th of Feb. following, "the said Mr. Vice-Chamberlain stood up again, and putting the House in mind of her maj.'s most princely and loving kindnesses, signified unto this house, in the former Messages and Declarations of her highness's thankful acceptations of the dutiful cares and travels of this House in the service of her maj. and the realm, moved the House, 'that besides the rendering of our most humble and loyal Thanks unto her highness, we do, being assembled together, join our hearts and minds together in most humble and earnest Prayer unto Almighty God, for the long continuance of the most prosperous preservation of her maj. with most due and thankful acknowledgment of his infinite benefits and blessings, poured upon this whole realm, through the mediation of her highness's ministry under him.' And he said, he had a Paper in writing in his hand, devised and set down by an honest, godly, and learned man, and which, albeit it was not very well written, yet he would willingly read it as well as he could, if it pleased them to follow and say after him, as he should begin and say before them. Which being assented unto most willingly of all the whole House, and every one kneeling upon his knees, the said mr. Vice-Chamberlain begun the said prayer. Which being ended, every one departed away for that time, until the said day of adjournment." At which time this parl. being met again, we find nothing in their proceedings to our purpose; the first days of their sitting being taken up with a long dispute between the two Houses,

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relative to the form of passing a bill to prevent fraudulent Conveyances; and another, for the better Observance of the Sabbath-day.

*A Subsidy granted.*] Feb. 23d, the Commons took into consideration the state of the nation, the dangers which were imminent over the kingdom, and the means to prevent them; the great expences her maj. had been at, &c. In which the following particulars are observed: "The open Dangers threatened to this kingdom are from Spain, the pope and the holy league in France; the secret from the Jesuits, that secretly lurked here to stir up her maj.'s subjects of the Roman religion to all manner of treason and rebellion: both which dangers though the time of them were a while intermitted in respect of the execution, yet the purpose was not; which the r late conspiracies and attempts both here and in Ireland did plainly shew."—The Means to prevent these Dangers were to suppress the spreading of Jesuits and the growing of popery; to exact such oaths of the Papists as had been already ordained; to provide for the preservation of her maj.'s person; to terrify Ireland, and to provide sufficient forces at home both by land and sea.—The great Expence that her maj. had been at, even since the last parl. did appear plainly in respect of divers places and forts which had been repaired, much powder and munition had been stored up, and her navy also since that time increased: besides many other extraordinary charges and expences which she had been at, in the assisting of her allies, and the preserving of Ireland; and that her maj. did specially shun danger from Ireland, of which they conceived this proverb to be true, 'Look to Ireland if we will rest quiet in England.' And therefore some members, of the privy-council, did move to think of what Supply were now fit to be given to her maj. towards the supporting and sustaining of all her said great Expences and Charges. —On the next day a motion being made for a Supply to be granted to her maj. a large Committee of the Commons were appointed to meet and draw up a bill for that purpose; which was mentioned before in our account of the lords.—March 29th, when the Queen came to the Lords, and the Commons attending, the Speaker after his humble reverence made, and some expressions of his thankfulness to her maj. proceeded according to the usual course, to desire her maj. to give life to such Laws, by adding her gracious allowance unto them, as had passed either House, and remained as yet but as a dead letter; and withal, gave her maj. knowledge of the free gift of the Commons, of one Subsidy and two 15ths and 10ths. To which Speech the lord chanc. by her maj.'s commandment, answered, "That she did graciously accept of the said gift of her Commons, and was come thither to give her royal assent to divers of those Laws which had passed the two Houses."

*The Speaker's Speech to the Queen at the close of the Session.*] There is no Speech entered in the Journal of either House, made by the Speaker at this time; nor does sir S. D'Ewes supply it from any other authority. We are obliged to mr. Strype however, for bringing the following to light, from the MS. Collections in the Burleigh Family, belonging originally to the lord treasurer:—"Most excellent prince and gracious queen; "The last time of my being in this place before your most excellent maj. and this hon. assembly of your 3 estates, I did make my most humble submission and request, upon the knowledge of my disability and unworthiness, that I might have been forborn to have occupied in this place. But such was your maj.'s gracious opinion, as it seemed, conceived of me upon the election of your faithful and obedient subjects, the whole Commonalty of your realm; that I was thereto directed. And as then I best knowing mine own insufficiencies did, for my excuse, desire your maj.'s gracious acceptation of that which was only in my power; which was of my good will, diligence, and endeavour to be bestowed in this service: so now, if I should not acknowledge in this place, (having here in my company so many witnesses against me) the multitude of imperfections, that I have found in myself, during the time of this my service, I should shew myself to be over partial to mine own cause, and, in some sort, to be void of modesty. But knowing your maj.'s accustomed goodness, to accept the good wills and endeavours of all men in your services, without any strait regard or account of the events or successes of their actions; and therewith having also had, in this session of parl. daily proofs of the favourable toleration of my lacks, by grave, wise, and experimented persons and the good will generally of the whole body of your Commons towards me, in their quiet allowance of my service; I am the bolder, throwing behind my back these my lacks and wants, as things not now to be imputed to me; and am to present myself in your maj.'s sight according to my office, as a person allowed by your maj.'s goodness only, and not by my deserts; and so to proceed to present to your maj. in the name of all your Commons, 1st, our most humble thanks for the benefits that we have received by your maj.'s permission, to have this assembly so long continued: 2ndly, our like humble requests for pardon of any thing, which through ignorance, without any intention of offence, in our consultations might be, by your maj.'s great wisdom, imputed to us. And lastly, I am also, in their names, to exhibit our most humble and earnest petitions to your maj. to give life to the works not of our hands, but of our minds, cogitations and hearts: which otherwise than being lightened by the beams of your favour, shall be but vain, dumb and dead. —For the 1st I do confess, that in the name of all your Commons here assembled, and so I may presume to add the like for the Lords here assembled in your maj.'s presence, we cannot imagine, how your maj. can bestow a

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greater Benefit, that can deserve more thanks of your subjects universally, than that your maj. as you have heretofore at many times, so now especially in this time, when our necessity, for many respects required the same, summoned your whole realm, by calling your estates together to this parl. to consult freely what were first meet for the advancement of God's service, by which we only have our being; and what were also necessary for the preservation of your maj.'s person, by whose long life and continuance we are kept free from the tyranny and subjection of foreign oppression. And lastly, to devise among ourselves, and provide not only as should be, both in general and particular, good and profitable for our own estates, but also to foresee how to avoid things hurtful to the same; to which good end we do acknowledge that, by your maj.'s goodness and permission, our assembly now hath tended. And for that good which we are to receive thereby, we do yield to your maj. our most humble thanks; beseeching God to grant to your maj. many happy years, above the term of our lives. That as we have already, so after us our posterity may receive the like benefits of your goodness from time to time, as cause shall require; to procure to themselves by good laws under your govt. like means to live in such peace, happiness and wealth, as we have done, from the beginning of your reign: and as our forefathers never did the like with such continuance; 2ndly, we humbly beseech your maj. to give your accustomed gracious interpretations to all our proceedings. Wherein if any speeches, motions, or petitions have past from us, that might have discontented your maj. in your great wisdom above our capacities; I can assure your maj. that in this assembly, wherein I was always present, there was never found in any speech, private or public, any argument or token of the mind of any person that shewed any intention to be offensive to your maj. And for proof hereof, when it pleased your maj. to direct me to declare your pleasure to the Commons House, in what sort you would they should stay any further debating of the manner of reformation of such things as they thought might be reformed in the Church, I found them all ready to obey your maj.'s pleasure therein; which as it seemed to me, and so I have cause to persuade with myself, they did. For that it was well understood, that your maj. as having by God's ordinance a supreme authority for that purpose, had straitly charged the abps. bps. and your whole Clergy now assembled in their convocation, to have due regard to see to the Reformation of divers abuses in the govt. and discipline of the Church. And so our firm hope is, that your maj. will, by your strait commandment to your Clergy, continue your care to see, and command, that such abuses as are crept into the Church by the negligence of the ministers, may be speedily reformed, to the honour of Almighty God, and to your own immortal praise, and comfort of your subjects.—The next matter whereof I have to speak, is most humbly to request your maj. to yield your royal assent to such Petitions, both general and particular, as have been upon long deliberation determined and conceived in writing, with uniform consent of the Lords Spiritual and Temporal, and us your Commons, in this your parl. assembled. And though in your maj.'s princely sight many of those our Petitions may seem to be of mean value, either because they be, some of them, particular; or because the matters of some of them may seem to be of low and base degree: yet considering of them to whom they belong, the same are of as great importance and benefit, as to greater estates greater matters are: and the lack of the benefits which to them may grow thereby, shall be as grievous, as the lack of greater in greater bodies: and, as in every natural body, the meanest parts and members are by the head regarded as beneficial, for one means or other, to the rest of the whole body: so we with all humbleness, in the name of the whole body, do beseech your maj. as our only head, and fountain of our life, to accept the meanest Petitions for the comforts of the parts of the body, to whom the same may belong: as we know your maj. of your clemency, is accustomed with your most gracious eyes and countenance, to comfort daily your basest and poorest subjects, seeking relief at your feet.—Next to this we do offer to your maj. with our whole hearts, our bodies and lives, to be serviceable to the safety of your maj.'s noble Person. For defence whereof, and for revenge of any act imaginate against your maj. we have by a form of law, if it shall like your maj. to assent thereto, given a testimony to the whole world, how dear the safety of your life is to us. And this I do assure your maj. that we were most willing to have extended this ordinance to a far straiter course, as we thought the same meet for your safety, and for terrifying of all persons not well-willing to you; if otherwise we had not understood, that your maj.'s pleasure was, that it should not be extended to any straiter points than it is.—And as your maj. hath a manifest demonstration hereby of our hearts and minds, so also we have added (for a further outward declaration thereof by our deeds, offered to your maj. of our voluntary minds) a small portion out of those worldly goods which God hath given us, and by the long peace under your blessed govt. we have increased; by way of a Subsidy, and two 15ths to be used by your maj. as in former times you have always done, for the defence of your realm, and us your humble subjects. Which though we know shall not amount to the value that percase shall be needful for the defence of your realms, against all attempts that may be ministered by the enemies of God, and of your maj.; yet your maj. may make an assured account, that besides this our offer, you cannot lack a further Supply of the rest that we have, to be spent,

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or committed to your direction, as cause shall require.'—Lastly, upon our knees we do most humbly yield our hearty thanks for your most gracious and free general Pardon: whereby a great multitude of your subjects are to be relieved of divers pains and penalties; which by the order of your laws your maj. might most justly have inflicted upon them. By which your clemency we all shall take occasion, besides our thankfulness for so great a benefit, to endeavour ourselves more carefully to observe your laws, both to the honour of God, and to the comfort of your maj.; and, finally to the maintenance of peace, tranquillity and concord among ourselves."

*The Queen's Speech at proroguing the Parl.*] The royal assent being given to 30 public and 13 private Acts, her Majesty, in person, made the following Speech to both Houses of parl.:

"My Lords and ye of the Lower House; My silence must not injure the owner so much, as to suppose a substitute sufficient to render you the thanks that my heart yieldeth you, not so much for the safe keeping of my life, for which your care appears so manifest, as for the neglecting your private future peril, not regarding other way than my present state. —No prince herein, I confess, can be surer tied or faster bound than I am with the link of your good-will, and can for that but yield a heart and a head to seek for ever all your best; yet one matter toucheth me so near, as I may not overskip, Religion, the ground on which all other matters ought to take root, and being corrupted, may marr all the tree. And that there be some fault-finders with the Order of the Clergy, which so may make a slander to myself and the Church, whose over-ruler God hath made me; whose negligence cannot be excused, if any schisms or errors heretical were suffered. Thus much I must say, that some faults and negligences may grow and be, as in all other great charges it happeneth, and what vocation without? All which if you my Lords of the Clergy do not amend, I mean to depose you. Look ye therefore well to your charges. This may be amended without heedless or open exclamations. I am supposed to have many studies, but most philosophical. I must yield this to be true, that I suppose few (that be no professors) have read more. And I need not tell you, that I am so simple that I understand not, nor so forgetful that I remember not; and yet amidst my many volumes, I hope God's Book hath not been my seldomest lectures, in which we find that which by reason (for my part) we ought to believe; that seeing so great wickedness and greeves in the world in which we live, but as wayfaring pilgrims, we must suppose that God would never have made us but for a better place, and of more comfort than we find here. I know no creature that breatheth, whose life standeth hourly in more peril for it than mine own, who entred not into my state without sight of manifold dangers of life and crown, as one that had the mightiest and greatest to wrestle with. Then it followeth that I regarded it so much, as I left my life behind my care; and so you see that you wrong me too much (if any such there be) as doubt my coldness in that behalf; for if I were not persuaded that mine were the true way of God's will, God forbid that I should live to prescribe it to you. Take you heed lest Ecclesiastes say not too true, 'They that fear the hoary frost, the snow shall fall upon them.' I see many over-boid with God Almighty, making too many subtle scannings of his blessed will, as lawyers do with human testaments. The presumption is so great, as I may not suffer it (yet mind I not hereby to animate Romanists, which what adversaries they be to mine estate is sufficiently known) nor tolerate New-fangledness. I mean to guide them both by God's holy true rule. In both parts be perils; and of the latter I must pronounce them dangerous to a kingly rule, to have every man, according to his own censure, to make a doom of the validity and privity of his prince's govt. with a common veil and cover of God's word, whose followers must not be judged but by private men's exposition. God defend you from such a ruler that so evil will guide you. Now I conclude that your love and care neither is nor shall be bestowed upon a careless prince, but such as but for your good will passeth as little for this world as who careth least, with thanks for your free Subsidy, a manifest shew of the abundance of your good wills, the which I assure you but to be employed to your weal, I could be better pleased to return than receive."

*The Parl. dissolved.*] After this Speech was ended, her maj. in person prorogued this parl. to the 20th of May next; from which day it was again prorogued, at 6 different times, without any intervening session, to the 14th of Sept. Accordingly on that day, the parl. being met, it is entered in the Journals of the Lords, That whereas this present parl. stood prorogued to the said 14th of Sept. yet the queen, by the advice of her privy-council, many great and urgent causes occasioning it, had given her letters-patents, directed to sir Tho. Bromley, knt. chancellor of England, and others her commissioners, to dissolve this parl. Which letters patent being read in the House, the lord chancellor declared it to be dissolved accordingly.

*A new Parl. called.*] Writs were sent out to call a new parl. to meet at Westminster, the 15th Oct. 1586. From that day, 'for divers good causes and considerations,' the parl. was prorogued to the 27th, and from thence to the 29th of the same month. On which day, the Lords and Commons being assembled in the House of Peers, expecting the coming of the Queen, the Lord Chancellor informed them, that great and urgent business prevented her maj. from being present; but that she had, by her letters patents, constituted and appointed the most rev. father in Christ, John abp. of Canterbury, Wm. Cecil,



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lord Burleigh, lord high-treasurer of England; and Henry, earl of Derby, lord high-steward, her maj.'s commissioners; in her name, to hold and do every thing that was necessary for her in this present parl. Which letters patents being openly read in the House, the said Commissioners left their own seats, and went to a seat prepared for them, on the right side of the Chair of State, beneath the steps. Then the Lord Chancellor, after going first to the said Lords, and conferring with them, from his accustomed place spoke to the Houses to this effect:—"That the present parl. was summoned for no usual causes; not for making of new laws, whereof her maj. thought there were more made than executed: nor for Subsidies and Fifteenths, of which, although there was some occasion for them, yet her maj. would not charge her loving subjects at this time; but the cause was rare and extraordinary; of great weight, great peril, and dangerous consequence. He then declared what dangers had been contrived of late, and how miraculously the merciful providence of God, by the discovery thereof beyond all human policy, had preserved her maj. The destruction of whose sacred person was most traitorously imagined and designed to be compassed." He then shewed, "what misery the loss of so noble a Queen would have brought to all estates; that although some of these traitors had suffered according to their demerits, yet one remained, that by due course of law had received her sentence; which was the chief cause of this assembly, and wherein her maj. required their faithful advice. Wherefore, said he, that you may usually and orderly proceed herein, you of the Commons House, are to make present choice of some one amongst you to be your Speaker, and present to the lords-lieutenants as soon as conveniently you may." After which the lords-lieutenants adjourned the parl. to Monday next.—Oct. 31, the Commons presented to the lords-lieutenants John Puckering, esq. serjeant at law, as their Speaker; who, with the usual forms, was admitted by them; and then the House was adjourned to Nov. 4th. On which day also, nothing is entered in the Journals.

*Proceedings relative to the Queen of Scots.*] Nov. 5, the Lord Chancellor made another speech to the Lords, in which he set forth the foul and indiscreet dealings, practised by the Queen of Scots, against her maj. and the whole realm; notwithstanding the many great Benefits and Favours which the said Queen had received of her maj. After the chancellor had ended, lord Burleigh, lord treasurer, stood up; and, as one unto whom the whole Proceedings of the said Queen of Scots were better known, because of his long services to his most gracious sovereign lady, ever since the beginning of her reign, related them at large to the House. Which two speeches made the whole business of that day.—To make the Proceedings of this parl. against this unhappy Queen, more intelligible to our readers, we shall join those of the Lords and Commons together. And, we are told, in the Journals of the latter, that on Nov. 3d, whilst a private bill was reading, and one member offering to speak to it,

Sir *Christopher Hatton*, vice-chamberlain, stood up and told the House, "That having matter of most great importance to deliver unto this House, from her maj. he was so bold, with their good favours, for this time to interrupt the speech intended by the gentlemen that offered to speak to the said bill. And then shewed, that her maj. thinking that all those of this House, which were lately in the Higher House when the lord chanc. declared the cause of her highness's summoning of this parl. could not hear the same; and also that many of the members of this House now here present, were not then come up or returned; commanded him to deliver unto this House the Summary Cause of her maj.'s calling and assembling of this great Council at this time; which was not to make any more Laws, as being many more already than well executed; nor yet any Subsidy, albeit, if need so required, the same were convenient enough to be done; but to consult for such matters as the like were never almost heard of, nor any parl. called for, in former time, that can be found or read of. And so very excellently, plainly, and effectually, made relation of the horrible and wicked Practices and Attempts, caused and procured by the Queen of Scots, so called; meerly tending to the ruin and overthrow of the true and sincere Religion established in this realm; the invasion of this realm by foreign forces; rebellion and civil wars, and dissentions within this realm. Yea, and withal (which his heart quaked and trembled to utter and think on) the Death and Destruction of the Queen's most sacred person, to the utter desolation and conquest of this most noble realm of England. And so discoursing of the matter, and the great, execrable treacheries and conspiracies of the said Queen of Scots, even from the first to the last, in particularities very amply and effectually (such of them, at the least, as have been hitherto discovered) shewing also, very manifestly and evidently, the proofs and all other circumstances of the same treachery and conspiracies; and so thinketh good, for his part, that speedy consultation be had by this house for the cutting of her off by course of justice; for that otherwise our said sovereign lady, the queen's majesty's most royal person, cannot be continued with safety; concluding with this sentence, 'Ne pereat Israel, pereat Absolon.'—This speech was seconded by the chanc. of the exchcq. the chanc. of the duchy, and mr. sec. Woolley; who all spoke, at large, to the same point; reciting the horrible treasons and conspiracies, caused and procured by the said Queen of Scots. Which speeches being ended, the house resolved to resume the affair on the morrow.

Accordingly, on the next day, the House being reminded, by the Speaker, of going upon the 'Great Cause,' as they termed it, several

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more speeches were made by other ministers of state; as also by sir Wm. Herbert, sir Thos. Scott, mr. Francis Bacon, mr. Alford, mr. Throgmorton, mr. Barker, mr. Dalton, mr. Baynbrigg, and mr. Solicitor; all vehement against the Queen of Scots, charging her with treasonable practices against the life of the Queen, and procuring a foreign invasion to further those attempts. Concluding, that such practices could never be prevented hereafter, unless the said Scottish Queen did presently suffer the execution due to justice and her deserts.—It was then moved that a Committee should be appointed to consider of a Petition to her maj. to that purpose, and also to request the Lords, if they thought good, to join with them in it. Accordingly, a Committee was appointed of all the Privy Council belonging to that House, and 44 other members. There is an Entry made in this Journal of the conclusion of a Speech, said to be spoke by one mr. George Moore, who averred, "That only Popery is the chief and principal root of all the late horrible and wicked treacheries and practices, and the Queen of Scots a principal branch, issuing from the same root, and the most perilous and full of poison of all the other branches; for that the Papists, in very deed, for the most part, not knowing the person of the said Queen of Scots, do wish the establishing of her in the crown of this realm, rather in respect of Popery (which she would set up) than for any affection they bear to her person; and so likewise, for the most part, all of them either wish or could easily bear the death of her maj. though, perhaps, they would not shew themselves to be actors or dealers therein." He therefore moveth, "That it may be joined in the petition for the 'Great Cause,' That her maj. may be moved to retain no servants about her highness's person, but such only as may be well known both to profess the true and sincere Religion, and also to be every way true and faithful subjects:" And further, "That the laws already in force against Papists may be put in due execution."—These speeches being ended, mr. Speaker shewed, that the said motion, or any other, tending to the safety of her maj.'s person, may be very well delivered and remembered to the committees in the 'Great Cause,' by any member of the house.

Nov. 7th. Whilst the Lords were debating the matter of the Queen of Scots, the Commons came up, and desired a Conference with some of their lordships, what number they should please to appoint, about the affair of the Scottish Queen, which had been opened to them. Whereupon, the Lords appointed the abps. of Canterbury and York, the lord treasurer, the lord steward; the earls of Northumberland, Kent, Rutland, and Sussex; the bps. of London, Durham, Winchester, and Worcester; the lord admiral, the lord chamberlain; the lords Cobham, Grey, Lumley, Chandois, Buckhurst, De la Ware, and Norris, for the conference. There was also appointed to attend the said Lords, the lord chief justice of the Common Pleas, the chief baron, and mr. justice Gaudie.

Nov. 9th, several letters were read, as well from Babington to the Queen of Scots, as from her to him, Charles Pagett, and others. The sentence pronounced by the commissioners, against the Scots Queen, was also read. And a form of a Petition agreed upon by the committees of both houses.

Nov. 10th, the Lords of the Committee made report to the whole House, that those of the Commons, upon hearing of the sentence, and divers of the special evidences and proofs, on which the sentence was grounded, openly read unto them, after long deliberation and consideration had betwixt them, both publicly and privately, they all, with one assent, allowed the said sentence to be just, true, and honourable; and that the Commons humbly desired their Lordships to make choice of such number of Lords as they should think meet to join with them in petitioning her maj. Whereupon, the Lords made choice of the following, viz. the lord chanc. the lord treasurer, the lord great chamberlain, the lord steward; the earls of Northumberland, Kent, Rutland, Sussex, Pembroke, and Hertford; the lord high admiral, and the lords Abergavenny, Zouch, Morley, Cobham, Grey, Lumley, Chandois, Buckhurst, De la Ware, and Norris.—*Mem.* The Commons made a request to have the Petition assented unto by both the Houses, to be enrolled in the rolls of Parl.; which their lordships thought better to defer, until her maj.'s liking or disliking of it was first had of the same.—The Lords then adjourned to the 15th; again to the 19th, and from thence to the 22nd of the same month, without any thing being entered in their Journals.

In the mean time, the Petition was presented to the Queen by the said Committee of Lords, and the members of the Commons, who were of the Privy Council, with as many more of that body as to make up the number of 42. Nov. 12 was the day appointed by the Queen to receive it; when the lord chanc. in the name of the Lords, and on behalf of the Commons, declared unto her maj. That both Houses, after many Conferences, and long consultations, had concluded to be humble suitors to her maj. by way of Petition; the effect whereof was declared, at length, unto her, by the orators aforesaid, and the Petition itself delivered to her maj. in writing.—Sir S. D'Ewes has given us, from an authentic copy of his own, a series of notes, which, he says, were made use of by the Speaker, in his oration to the queen, on this occasion. Which, for fear of making this matter too tedious, we purposely omit and hasten to the words of the Petition itself; which, with the Answer to it, are both preserved by Camden.

*Petition from the Lords and Commons, for the Execution of Mary Queen of Scots.*

"May it please your most Excellent maj. We, your humble, loving, and faithful sub-

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jects, the Lords and Commons in this present parl. assembled, having of long time, to our intolerable grief, seen by how manifold, most dangerous, and execrable practices, Mary, daughter and heir of James V. late king of Scots, dowager of France, commonly called the Queen of Scots, hath compassed the destruction of your maj.'s most sacred and royal person: and thereby not only to bereave us of the sincere and true religion of Almighty God, bringing us and this noble crown back again into the thraldom of the Romish tyranny; but also utterly to ruinate and overthrow the happy state and commonwealth of this realm. Which being, from time to time, by the great mercy and providence of God, and your highness's singular wisdom, foreseen and prevented; your maj. of your exceeding great clemency, and princely magnanimity, hath most graciously passed over (although often and instantly moved by your most loving and faithful subjects, to the contrary, in times, in your parliaments, and at many other times), and hath also protected and defended the said Scottish Queen from those great dangers, which her own people, for certain detestable crimes and grievous offences to her imputed, hath determined against her. All which notwithstanding, the said queen was nothing moved with these and many other your maj.'s most gracious favours toward her; but rather obdurate in malice, and, by hope of continual impunity, inboldened to prosecute her cruel and mischievous determination, by some speedy and violent course; and now lately a very dangerous plot, being conceived and set down by Anthony Babington and others, that 6 desperate and wicked persons should undertake that wicked and most horrible enterprize, to take away your maj. life (whom God, of his infinite mercy, long preserve), she did not only give her advice and direction upon every point, and all circumstances concerning the same; and make earnest request to have it performed with all diligence; but did also promise assurance of large reward and recompence to the doers thereof. which being informed to your maj. it pleased your highness, upon the earnest suit of such as tendered the safety of your royal person, and the good and quiet state of this realm, to direct your Commission, under the Great Seal of England, to the Lords and others of your highness's Privy Council, and certain other Lords of Parl. with some of your principal judges, to examine, hear, and determine the same cause; and thereupon to give sentence or judgment, according to a statute in that behalf made, in the 27th of your most gracious reign. By virtue whereof, the more part of the same Commissioners, being in number 36, having at sundry times fully heard what was alledged and proved against the said Scottish Queen, in her own presence, touching the said crimes and offences, and what she could say for her defence and excuse therein; did, after long deliberation, give their sentence and judgment, with one consent, that the Death and Destruction of your Royal Person, was imagined and compassed by the said Babington, with the privity of the said Scottish Queen; and that she did also compass and imagine the Death and Destruction of your most royal person. Now, forasmuch as we, representing unto your maj. the universal state of your whole people of all degrees in this your realm, do well perceive, and are fully satisfied, that the same sentence and judgment is in all things most hon. just and lawful; and having carefully and effectually, according to our most bounden duties, weighed and considered, upon what ground and cause, so many traitorous and dangerous practices, against your most royal person and estate, and for the invading of this realm, have, for the space of many years past, grown and proceeded; do certainly find, and are undoubtedly persuaded, that all the same have been, from time to time, attempted and practised by and from the Scottish Queen, and by her confederates, ministers, and favourers; who conceive an assured hope to atchieve speedily, by your maj.'s untimely death, that which they have long expected, and whereof, during your life, they despair; to wit, to place her, the said Scottish Queen, in the imperial and kingly seat of this realm, and by her to banish and destroy the professors and professing of the true Religion of Jesus Christ, and the ancient nobility of this land; and to bring this whole state and commonweal to foreign subjection, and utter ruin and confusion; which their malicious and traiterous purpose they will never cease to prosecute, by all possible means they can, so long as they may have their eyes and imaginations fixed upon that lady, the only ground of their treasonable hope and conceits, and the only seed-plot of all dangerous and traitorous devices and practices, against your sacred person. And seeing also what insolent boldness is grown in the heart of the same Queen, through your maj.'s former exceeding favours towards her; and thereupon weighing, with heavy and sorrowful hearts, in what continual peril in such-like desperate conspiracies and practices, your maj.'s most royal and sacred person and life (more dear unto us than our own) is and shall be still, without any possible means to prevent it, so long as the said Scottish Queen shall be suffered to continue, and shall not receive that due punishment, which, by justice and the laws of this your realm, she hath, so often, and so many ways, for her most wicked and detestable offences, deserved: therefore, and for that we find, that if the said lady shall now escape the due and deserved punishment of death for these her most execrable treasons and offences; your highness's royal person shall be exposed unto many more, and those more secret and dangerous conspiracies, than before; and such as shall not, or cannot, be foreseen or discovered, as these her late attempts have been; and shall not hereafter be so well able to take away the ground and occasion of the same, as now, by justice, may and ought to be done,

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We do most humbly beseech your most excellent maj. that, as well in respect of the continuance of the true Religion now professed amongst us, and of the safety of your most royal person and estate, as in regard of the preservation and defence of us your most loving, dutiful, and faithful subjects, and the whole commonwealth of this realm, it may please your highness to take speedy order, that Declaration of the same sentence and judgment be made and published by proclamation, and that thereupon direction be given for further proceedings against the said Scottish Queen, according to the effect and true meaning of the said statute: because, upon advised and great consultation, we cannot find that there is any possible means to provide for your maj.'s safety, but by the just and speedy Execution of the said Queen, the neglecting whereof may procure the heavy displeasure and punishment of Almighty God, as by sundry severe examples of his great justice in that behalf, left us, in the Sacred Scriptures, doth appear. And if the same be not put in present execution, we your most loving and dutiful subjects, shall thereby (so far as man's reason can reach) be brought into utter despair of the continuance, amongst us, of the true Religion of Almighty God, and of your maj.'s life, and the safety of all your faithful subjects, and the good estate of this most flourishing commonwealth."

*The Queen's Answer.*] After hearing the Petition read, the Queen with great majesty, both of countenance and speech, says our historian, answered to this purpose:—"So many and so great are the unmeasurable graces and benefits bestowed upon me by the Almighty, that I must not only most humbly acknowledge them as benefits, but admire them as miracles, being in no sort able to express them. And though none alive can more justly acknowledge himself bound to God than I, whose life he has miraculously preserved from so many dangers: yet am I not more deeply bound to give him thanks for any one thing than for this which I will now tell you, and which I account as a miracle; namely, That as I came to the crown with the hearty good-will of all my subjects, so now, after 28 years reign, I perceive in them the same, if not greater affection towards me; which should I once lose, I might, perhaps, find myself to breathe, but never could I think that I were alive. And now, though my life has been dangerously shot at, yet, I protest, there is nothing has more grieved me, than that one, who differs not from me in sex, one of like quality and degree, one of the same race and stock, and so nearly related to me in blood, should fall into so great a misdemeanor. And so far have I been from bearing her any ill-will, that, upon the discovery of some treasonable practices against me, I wrote privately to her, that if she would confess and acknowledge them, by a letter betwixt her and me, they should be wrapt up in silence. Neither did I write this with a purpose to intrap her; for I knew already as much as she could confess. And even yet, though the matter be come thus far, if she would truly repent, and no man would undertake her cause against me, and if my life alone depended hereupon, and not the safety and welfare of all my people, I would (I protest unfeignedly) willingly and readily pardon her. Nay, if England might by my death obtain a more flourishing condition and a better prince, I would most gladly lay down my life. For, for your sakes it is, and for my people's, that I desire to live. As for me, I see no such great reason (according as I have led my life) why I should either be fond to live, or fear to die. I have had good experience of this world; I have known what it is to be a subject, and I now know what it is to be a sovereign. Good neighbours I have had, and I have met with bad; and in trust I have found treason. I have bestowed benefits upon ill-deservers; and where I have done well I have been ill requited and spoken of. While I call to mind these things past, behold things present, and look forward toward things to come, I count them happiest that go hence soonest. Nevertheless, against such evils and mischiefs as these, I am armed with a better courage than is common in my sex; so as whatsoever befals me, death shall never find me unprepared.—And as touching these treasonable attempts, I will not so far wrong myself, or the laws of my kingdom, as not to think but that she, having been the contriver of the said treasons, was bound and liable to the ancient and former laws, though the late act had never been made; which notwithstanding was in no sort made to prejudice her, as divers who are inclined to favour her have imagined. So far was it from being made to entrap her, that it was rather intended to forewarn and deter her from attempting any thing against it. But seeing it had now the force of a law, I thought good to proceed against her according to the same. But you lawyers are so curious in scanning the nice points of the law, and proceeding according to forms, rather than expounding and interpreting the laws themselves, that if your way were observed, she must have been indicted in Staffordshire, and have holden up her hand at the bar, and have been tried by a jury of 12 men. A proper way, forsooth, of trying a princess! To avoid therefore such absurdities, I thought it better to refer the examination of so weighty a cause to a select number of the noblest personages of the land and the judges of the realm; and all little enough. For we princes are set as it were upon stages, in the sight and view of all the world: the least spot is soon spied in our garments, the smallest blemish presently observed in us at a great distance. It behoves us therefore to be careful that our proceedings be just and honourable. But I must tell you one thing, that by this last act of parl. you have reduced me to such straits and perplexities, that I must resolve upon the punishment of her who is a princess so nearly,

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allied to me in blood, and whose practices against me have so deeply affected me with grief and sorrow, that I have willingly chosen to absent myself from this parl. lest I should increase my trouble by hearing the matter mentioned; and not out of fear of any danger or treacherous attempt against me, as some think. But I will now tell you a farther secret, (though it be not usual with me to blab forth in other cases what I know.) It is not long since these eyes of mine saw and read an oath, wherein some bound themselves to kill me within a month. Hereby I see your danger in my person, which I will be very careful to prevent and keep off.—The Association you entered into for my safety I have not forgotten; a thing I never so much as thought of, till a great number of hands and seals to it were shewed me. This has laid a perpetual tie and obligation upon me, to bear you a singular good will and love, who have no greater comfort than in your and the commonwealth's respect and affection towards me. But forasmuch as the matter now in hand is very rarely exampled, and of greatest consequence, I hope you do not look for any present resolution from me: for my manner is, in matters of less moment than this, to deliberate long upon that which is but once to be resolved. In the mean time, I beseech Almighty God so to illuminate and direct my heart, that I may see clearly what may be best for the good of his Church, the prosperity of the Commonwealth, and your Safety. And that delay may not breed danger, we will signify our resolution to you with all conveniency. And whatever the best of subjects may expect at the hands of the best princes, that expect from me to be performed to the full."

The Commons' Journals inform us, that on the 14th of Nov. when the Speaker had reported to the House the substance of the Queen's Answer, mr. Vice-Chamberlain stood up, and having first affirmed that the Speaker's Report was true, he added, that the Queen had commanded him that morning to signify to the house, "That her highness, moved with some commiseration for the Scottish Queen, in respect of her former dignity and great fortunes in her younger years, her nearness of kindred to her maj. and also of her sex, could be well pleased to forbear taking of her blood; if, by any other means to be devised, by the Great Council of this realm, the safety of her maj.'s person and govt. might be preserved, without danger of ruin and destruction. But herein she left them nevertheless to their own free liberty and dispositions, of proceeding otherwise at their choice. For, as her maj. would willingly hearken to the reasons of any particular member of this house; so, he added, they might exhibit their thoughts in that case either to any of the Privy Council, being of that house, or to the Speaker, to be by him delivered to her maj."—After the aforesaid orator had delivered this message, he took occasion to put the House in mind, that at the beginning of this parl. the Lord Chanc. told them, that it was her maj.'s express command, no Laws at all should be made in this session; her maj. purposing not to be present to give her royal assent to any. Wherefore he desired that this House might be adjourned to Nov. 18; in which time, he said, it might be her maj. would send some other answer to their Petition, which she yet had not read. And the House was adjourned accordingly.—On that day, after many speeches and arguments, the House came to a Resolution, "That no other way, device, or means whatsoever could or can possibly be found or imagined, that such safety can in any wise be had, so long as the said Queen of Scots doth or shall live."

The Lords' Journals say nothing of this Message, but there is reason to believe it was sent to them; because that authority informs us, that on the 22nd, "After many debates in that House, the Lords agreed that the matter should be put to the question; and every peer being asked his several voice, answered, with one consent, "That they could find no other way."—*Item*, "The same day, they of the Lower House came up, and desired the Lords to be content to appoint some of their House to confer with them, upon the Answer that was to be made to her highness. Whereupon the Lords made choice of the abps. of Canterbury and York, and the lord-treasurer, &c. And the Lords, after conference had with the Committee of the Lower House, made report that the like question was proposed to them of the Commons' House, and that they answered all with one consent, no man gainsaying, "That they could find no other way." Whereupon the Committees of both Houses agreed upon this Answer to be made to her maj. That having often conferred and long debated on that question, according to her highness's commandment, they could find no other way than what was set down in their Petition. Which Answer, for the Lords, was delivered to her majesty by the lord chancellor, and for the Commons by their Speaker, at Richmond, Thursday, Nov. 24. On the 25th, the lord chanc. delivered to the Lords her maj.'s Answer to their last Resolution, the effect whereof was, 'If,' said her maj. 'I should say unto you that I mean not to grant your petition, by my faith I should say unto you more than perhaps I mean. And if I should say unto you I mean to grant your petition, I should then tell you more than is fit for you to know. And thus I must deliver you an answer answerless.'

Thus much verbatim from the Lords' Journal. And all we have to add from the same authority is, that an entry is made in this day's proceedings of every thing done in the foregoing relating to this affair; with a copy of the Petition at the conclusion. The unhappy Queen of Scots had not one advocate, in either House, that would or durst plead in her favour. The current against her was so

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strong, as would then have overthrown all opposers, and involved them in the same ruin. There are several pieces of broken speeches inserted in the Commons' Journals, all tending to her destruction; but so interspersed and unconnected, as to render them tiresome to a reader. It is easy to see, by the scope of the arguments used, that methods had been proposed to save this wretched Queen's life. It is very probable that all the princes then in Christendom thought themselves interested in it. But it is certain that the violent party against her in the Commons were eager to have her speedily destroyed, for fear some foreign application should have force enough to save her. This House, we are told, was greatly alarmed at the coming of the French ambassador, who arrived in England about this time, to make some proposals for saving the Queen of Scots. One mr. Grice, a member, took notice in the House, that since that ambassador was to have audience of her maj. the next day, who, he was fully persuaded within himself, came not for any good to her maj. or to the realm; yet, knowing that in such cases they are usually attended with a company of rascals, and the basest sort of people of their nation; and this rabble using to thrust into the presence of the prince, along with their master; he moved, That for better safety of her maj.'s person, from any desperate attempt of the said Frenchmen, it would please those of this house, who were of the privy council, to take order that the said ambassador might both be heard and receive his answer from the council; and in no wise to have access to her royal person. To which it was answered by the Vice Chamberlain, that this matter had been considered of at the committees of both houses, and orders given accordingly.

The last thing that seems necessary to extract from the Journal, relating to this business, is, that one day when sir F. Knolles was giving his opinion to the House, "that there was no other course, &c." he took occasion to propose, that earnest and devout Prayer should be made to God, to incline her maj.'s heart to the Petition of this House; and that some apt and special course of prayer might be devised and put down by some of this house; and not only be exercised here every day, but also by all the members elsewhere abroad, and privately in their chambers. To this motion it was answered by mr. Treasurer, that he took it to proceed from a good intention; but said that there was already a form of prayer extant in print, and used in this House for that purpose; and every member might do the same privately if he pleased.—On the 2nd of Dec. the Lords Commissioners adjourned this parl. to the 15th Feb. following.

Feb. 15, 1587, both Houses met pursuant to adjournment. The two first days nothing was done, because the Lord Chanc. was sick; on the 17th sir Edm. Anderson, knt. Lord Chief justice of the commons pleas, read publicly in the House of Lords, a commission from the queen, directed to himself, by which he was authorized and appointed, in the absence of the ld. chanc. to act in his stead.

*A Subsidy.*] March 7, a bill was sent up by the Commons, entitled, 'An act for one entire Subsidy, and two 15ths and 10ths, to be granted to her maj. by the temporality.' It passed on the 9th and the next day a bill for the Confirmation of one entire Subsidy, from the Clergy, of 6s. in the pound, to be paid in 3 years, was read and passed also.

*A Benevolence from both Houses.*] But these acts not answering the pressing occasions of the state; on the 11th of March, a Message was sent from the Commons, requesting that it would please the Lords to appoint a number of their House for a Conference with a committee of the other. Accordingly the abps. of Canterbury and York, the lord steward, the lord chamberlain, the earls of Kent, Worcester, Rutland, Hertford, and Leicester, the bps. of London, Winchester and Salisbury, the lords Cobham, Morley, Grey, Stafford, Stourton, Cromwell, North, Delaware and Norris, were appointed. Who, the same day, after the Conference, made a Report to the House, "That the Commons made humble suit to their lordships, to have the Lords of this House join with them in a contribution or Benevolence, which they of the Lower House meant to offer unto her maj. The manner, how they meant to proceed therein, was opened by the abp. of Canterbury. On which report of the committee, the Lords thought good to refer their Answers herein till Monday next." But we hear no more of this matter until the 15th; when another Mem. is entered, "That this day the Lords of the Committee made report unto the whole House, that upon divers conferences had with the Committee of the Lower House, touching their request made to the Lords to join with them in petition to her maj. about a Benevolence, or contribution, which they of the Lower House thought good to offer unto her maj.; the said Lords of the Committee thought it good, for divers reasons, to join with the Commons therein, which reasons, when the whole House had heard and considered, their lordships did resolve that the Commons should be left to themselves, and that they would take such order herein as to their lordships shall seem convenient." Accordingly, the same Lords, as before, were chosen a new Committee to resolve upon the contribution; when after some conference had amongst themselves, in respect of the great charges her maj. hath heretofore been at, and that her highness must be enforced to be at hereafter, for the defence of this realm, and other her maj.'s dominions, they resolved freely to offer and give unto her 2s. in the pound, after the rate of the valuation of the Subsidy of the temporality, granted in this present session of parl. Which resolution being afterwards openly declared unto the whole House, the Temporal Lords, in regard that the Lords

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Spiritual had made a prior offer of contribution to her maj. did altogether, with one consent, most willingly, ratify the said resolution, both touching the sum and the payment thereof.

On the last day of the session, the Commons sent up a new bill, 'for the Sale of the Lands of one Tho. Handford, for a debt due to the crown, &c.' when the Lords had before passed a bill to the same effect, and sent it down to the Commons. Therefore it is entered that since the Commons had rejected their bill, without conference with some of the Lords of this House, and framed a new bill and sent it up; their lordships thought it a precedent so strange, and so far contrary to the orders of this House, that they resolved to put it to the question, Whether this new bill should be read here or not? The whole House being particularly asked their opinions, with one consent, they concluded, that it should not be read.—This is all that is material in the Lords Journals, but that of the Commons is much more filled with matters of consequence, which happened at this 2d meeting of the parl.

*Sir C. Hatton opens to the House the Affair of the Spanish Invasion.*] Feb. 22, Sir *Christ. Hatton*, Vice-Chamberlain, acquainted the House, "That it was her maj.'s pleasure that they should have disclosed to them the dangers the nation then stood in; that she thanked God she had so good a House of Commons, and wished this session might be short, that men concerned as governors might go home to their governments, for the sake of hospitality and defence; and to take another time for making laws, except such as are now necessary." The dangers which he spoke of, he urged, were those of ancient malice against the queen; which were to be prepared for, and God invoked for his assistance. The substance of the rest of his speech, he drew up under the following heads: "The Catholics abroad, the Pope, the King of Spain, the Princes of the League, the Papists at home, and their Ministers."—The principal root thereof: the Council of Trent, which agreed to extirpate christian religion (which they term heresie) whereunto divers princes assented, and bound themselves in solemn manner. Pope Pius V. sent his excommunication against her maj.; dr. Morton and Mendoza, a Spanish ambassador, bestirred them; a northern rebellion was bred, the Pope and the rest practised for the Scottish queen, and she being acquainted proceeds by their means. Pope Paulus XIII. proceeds, and sends Jesuits and Seminaries to England and Ireland, and they proceed to inveigle the subjects, and dissuade them from obedience. Visko beginning a Rebellion in Ireland. James Fitz-Morris furthereth the execution thereof. Dr. Sanders and Desmond stir new rebellion there, and wrote into England, &c. Parry was moved to kill her majesty and persuaded it was meritorious, Pope Sixtus V. imitateth the other Popes to execute their former devices, and writeth to the cardinals of Lorrain and Guise, that he will overthrow the glorious gospel; and therefore moved them to join with the princes of the league, and to practise to win the king of Scots, and to set up the Scottish queen in England, and made his reckoning of the Cantons that be popish, the Switzers, the duke of Savoy, the duke of Ferrara, king of Spain, and king of France. A chief instrument to work this, was father Henry. He was sent into Germany, and over Italy and France, and wrote to the Scottish queen, that the powers will join to overthrow England, and make known the effect of his labour to the Pope. Invasion should have been made into England and Ireland the last year, and not unlike to be attempted this year. The Pope excommunicateth the king of Navarr. The Pope accounteth not of popish preaching and persuasions that way; but nevertheless moveth all to use the world, and for maintenance thereof spareth his treasure otherwise, and withdraweth maintenance from Jesuits and Seminaries: and divers others letters were found with the Scottish queen, which prove all these to be true. If we serve Almighty God in sincerity of heart, we need not to fear. It is to be remembered that the king of Spain sought to recover some part of his father's credit, by using our treasure and force to get st. Quintin's; but he soon made his advantage of it, and regarded not our territories in France, but suffered the loss of Calais and all our territories; and after the death of queen Mary what he could. Her maj. sought for his good-will, sending the lord Montague, the lord Cobham, sir Tho. Chamberlain, mr. Maun, and others; and they were but hardly used, some of them were offered great indignity and mr. Maun's son forced, by strength, to do a kind of penance. He comforted the queen's enemies, he giveth colour of wars, he chargeth the queen that her subjects have aided his rebels in the Low Countries, with countenancing Monsieur with money at Cambray, with sending her nobility with him into the Low Countries, with the actions of sir Francis Drake, with assistance of the Low Countries. Of the Purpose of the Combined Princes: Their shew is to deal with the king of Navarr to extirpate him, but their drift is to ruin religion, not only there, but to set upon and to work the ruin of it here also; wherein the cardinals of Lorain and Guise are now very busy. Their malice is the more for executing the Scottish queen, but their hope is the less. The king of Spain's designments are to invade England and Ireland.—His Preparation: 360 sail of Spain; 80 gallies from Venice and Genoa; 1 galliass with 600 armed men, from the duke of Florence; 12,000 men maintained by Italy and the Pope; 6000 by the Spanish Clergy; 12,000 by his nobility and gentry of Spain. It is reported that 10,000 of these be horsemen; I think it not all true, but something there is.—We must look to the Papists at home and abroad. It hath touched us in the blood of

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the nobility, and the blood of many subjects. They practise to frame subjects against all duty, and bring in doctrine of lawfulness and merit to kill the Queen, and have sent their instruments abroad to that purpose.—Two manner of forces are to be handled. Assistance to the Low Countries, and defence by force otherwise. That God may assist us in justice, in right, in defence against those princes. The assistance is acceptable that will be profitable. Her maj. oweth relief there in honour, according to the Leagues, especially between us and the house of Burgundy: which Leagues differ from leagues growing between prince and prince, for they grew between the people and this state. We are bound to help them in honour according to the leagues. Many marriages and many secrecies have been long between us, and the relieving of the afflictions of that people may not be omitted.—The heads of their miseries are the Spanish Inquisition by Placard, using strange tortures not to be suffered; great impositions without and against law, sending some of their people into Spain and there tyrannized over; their noblemen done away; taking their towns, and setting tyrants over them to use them like dogs. The purpose was to bring the Low Countries into a monarchal seat, and then, *væ nobis.* The queen's dealing there is warranted by God. The queen is occasioned of necessity for safety of her dominions and us, that that country may be preserved, that the English commodities may be vented there with readiness, safety and profit; the recovery thereof will be good for this country and crown; it may not be suffered that a neighbour should grow too strong. —The king of Spain seeketh to be yet greater; he hath already a seat in council amongst the princes of Germany, by reason of territories his father got there; and, if he could, he would frame the Low Countries to his desire.—As to the pretence of Injuries before remembered: as to the first going over, her maj. misliked it, and punished some of the captains (he named sir Humfrey Gilbert for one.) Concerning Monsieur, the first time her maj. drew him from proceeding for the Low Countries; the 2nd time she consented that he should only assist the Low Countries, which Monsieur afterwards abused, contrary to her maj.'s meaning. Concerning mr. Drake's first Voyage, her maj. knew it not; and when he came home, she seized the whole mass of substance, brought by him, to satisfy the king of Spain (if cause so required) and thereupon desired certificate for Invasion into Ireland.—Concerning mr. Drake's last Voyage, it was to meet with the restraints and seisures in Spain, and their purpose of war was thereupon discovered; for there was found by the master of mr. Bond's ship, who took the Corrigedore, and others, a commission from the king of Spain, whereby he termed us his rebels, as he termed the Low Countries.—He then remembered another Grievance not touched before, which was the entertaining of don Anthony. Which he answered to be done in hon. courtesy, because of his state, who was a king anointed and crowned; though his seat was not long untroubled, and coming hither in hon. and courteous manner, though something weakened, required the entertainment he had. —Then he iterated, that the great grief is Religion, and said that all godly ones are bound to defend it. He then commended her maj.'s courage against her enemies malice, esteeming it no less than the stoutest kings in Europe.

Mr. *Chanc. of the Exchequer* concluded, that the great preparations of war which was fit speedily to be thought of and provided, would grow chargeable; and therefore thought it fit with expedition, that the house should appoint a convenient number to set down articles for a Subsidy. Whereupon all the privy council being of this house, the first knight for every shire, and others, were appointed to meet in the exchequer-chamber.

*Motion for altering the Common Prayer.*] Feb. 27. Mr. *Cope*, after touching upon the necessity of a learned Ministry, and the amendment of things amiss in the Ecclesiastical Estate, offered to the house a bill, and a written book; the bill containing a petition that it might be enacted, that all laws now in force, touching Ecclesiastical government should be void: and that it might be enacted, that the Book of Common Prayer, now offered and none other, might be received into the church to be used. The book contained the form of prayer and administration of sacraments, with divers rites and ceremonies, to be used in the church. And desiring that the book might be read, mr. Speaker, in effect, used this speech: "For that her maj. before this time had commanded the house not to meddle with this matter, and that her maj. had promised to take order in those cases, he doubted not but to the good satisfaction of all her people; he desired that it would please them to spare the reading of it. Notwithstanding the house desired the reading of it. Whereupon mr. Speaker willed the clerk to read it. And the clerk being ready to read it, mr. Dalton made a motion against the reading of it; saying, that it was not meet to be read, and that it did appoint a new form of administration of the Sacraments and Ceremonies of the Church, to the discredit of the Book of Common Prayer and the whole state; and thought that this dealing would bring her maj.'s indignation against the house, thus to enterprize the dealing with those things which her maj. especially had taken into her own charge and direction. Whereupon mr. Lewkenor spoke, shewing the necessity of preaching, and of a learned ministry, and thought it very fit that the petition and book should be read. To this purpose spake mr. Harleston and mr. Bainbrigg; and so the time being passed, the house brake up, and neither the petition nor book read." This done, her maj. sent to mr. Speaker, as well for this Petition and Book, as for that other petition and book for the like effect, that was delivered the last session of



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parliament which mr. Speaker sent to her majesty.

*Mr. Wentworth's Speech relating to the Liberties of the House.*] March 1, "Mr. *Wentworth* delivered unto mr. Speaker certain Articles, which contained Questions touching the Liberties of the House, and to some of which he was to answer, and desired they might be read. Mr. Speaker required him to spare his motion until her maj.'s pleasure was further known, touching the Petition and Book lately delivered into the house; but mr. Wentworth would not be so satisfied, but required his Articles might be read. Mr. Speaker said he would peruse them, and then do what was fit." This is all the Journals afford us; but sir S. D'Ewes has given us mr. Wentworth's Speech and the Questions at large, which are too important to be omitted: the Speech was as follows:

"Mr. Speaker, forasmuch as such laws as God is to be honoured by, and that also such laws as our noble sovereign and this worthy realm of England are to be enriched, strengthened, and preserved by, from all foreign and domestic enemies and traitors, are to be made by this hon. council, I as being one moved and stirred up by all dutiful love, and desirous even for conscience sake, and of a mind to set forward God's glory, the wealth, strength, and safety of our natural queen and commonweal, do earnestly desire, by question, to be satisfied of a few Questions to be moved by you, mr. Speaker, concerning the Liberty of this hon. council: for I do assure you, I praise my God for it, that I do find in myself a willing mind to deliver unto this hon. assembly some little taste and account of that simple talent, which it hath pleased God, of his singular favour and goodness, to bestow upon me, to gain to his highness's honour and glory; and to shew unto my noble prince and commonwealth, true, faithful, and dutiful service; of the which mind, I am sure, mr. Speaker, here are many godly, faithful, and true-hearted gentlemen in this hon. assembly; howbeit, the want of knowledge and experience of the Liberties of this hon. council, doth hold and stay us back. For as we have a hearty desire to serve God, her maj. and this noble realm; even so are we fearful and loth to give or offer any offence to her maj. or unto her laws; the which, we presume, we shall not do, if we keep ourselves within the circle of them, and no man can observe that whereof he is ignorant. Wherefore I pray you, mr. Speaker, eftsoons to move these few Articles, by Question, whereby every one of this house may know how far he may proceed in this hon. council, in matters that concern the glory of God and our true and loyal service to our prince and state. For I am fully persuaded, that God cannot be honoured, neither our noble prince or commonweal preserved or maintained, without free speech and consultation of this hon. council, both which consist upon the Liberties of this hon. council, and the Knowledge of them also. So here are the Questions, mr. Speaker: I humbly and heartily beseech you to give them a reading, and God grant us true and faithful hearts in answering of them; for the true, faithful, and hearty service of our merciful God, our lawful prince, and this whole and worthy realm of England, will much consist hereafter upon the answer unto these questions. Wherefore it behoveth us to use wise, grave, and godly considerations in answering of them. Therefore the Lord direct our tongues, that we may answer them even with his spirit, the spirit of wisdom, without the which our wisdom is nothing else but foolishness."

*The Questions.*] "Whether this council be not a place for any member of the same here assembled, freely and without controlment of any person, or danger of laws, by bill or speech, to utter any of the griefs of this commonwealth whatsoever, touching the service of God, the safety of the prince, and this noble realm?—Whether that great honour may be done unto God, and benefit and service unto the prince and state without free Speech in this council, which may be done with it?—Whether there be any council which can make, add to, or diminish from the laws of the realm, but only this council of parl.?—Whether it be not against the orders of this council to make any secret or matter of weight, which is here in hand, known to the prince or any other, concerning the high service of God, prince, or state, without the consent of the house?—Whether the Speaker, or any other, may interrupt any member of this council in his speech used in this house, tending to any of the fore-named high services?—Whether the Speaker may rise when he will, any matter being propounded, without consent of the house or not?—Whether the Speaker may over-rule the house in any matter or cause there in question; or whether he is to be ruled or over-ruled in any matter or not?—Whether the prince and state can continue, stand, and be maintained without this council of parl. but by altering the govt. of the state?"

We are told that the Speaker did not think proper to put these Questions to the house; but shewed them to sir Tho. Heneage, a privy counsellor; and soon after mr. Wentworth was committed prisoner to the Tower. And March 2nd, mr. Cope, mr. Lewkenor, mr. Harleston, and mr. Baynbrigg, the 4 speakers to the motion aforesaid, were sent for before the ld. chanc. and divers of the privy council, and by them sent to the Tower after mr. Wentworth. Two days after this,

Sir *John Higham* made a motion, "That since several good and necessary members of that house were taken from them, it would please them to be humble petitioners to her maj. for the restitution of them again to the house." To which

Mr. *Vice-Chamberlain* answered, "That if the gentlemen were committed for matter within the compass of the privilege of the

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house, then there might be room for a petition. But if not, adds he, we shall occasion her maj.'s further displeasure. He rather advised to stay till they heard more, which could not be long. And further, as to the Book and Petition, her maj. had, for divers good causes best known to herself, thought fit to suppress the same, without any farther examination of them. And yet he conceived it very unfit for her maj. to give any account of her actions."—We hear no more of this matter, nor how long these gentlemen were prisoners in the Tower; and it is surprising that neither Cambden, nor any other historian, take any notice of so important an affair.

March 23rd, the Lord Chief Justice declared to both Houses in form, that her maj. for certain reasons, could not come down to the house to pass the bills; and therefore had granted her letters patents, in which the titles of all the bills are particularly recited for that purpose. Which commission being openly read, the said lord chief justice produced other letters patents, directed to the two abps. the great officers of state, &c. constituting them her maj.'s commissioners to dissolve this parl.; which being read, the parl. was dissolved accordingly.

*A new Parl. called.*] A new parl. was summoned to meet at Westminster on the 12th of Nov. in the 30th year of her maj.'s reign. When being assembled accordingly, it was, by letters patents, directed to sir Christ. Hatton, knt. then lord chancellor, Wm. lord Burleigh, lord treasurer, &c. prorogued to the 4th of Feb. 1588-9. At which time, being again assembled, and the Queen present, the Lord Chancellor opened the cause of the summons to this effect: he told them, say the Lords' Journals, "That her maj. had made it her constant study, from the very beginning of her reign to this time, to preserve peace, not only at home, but also abroad. That she had given no occasion to the many princes about her to invade her dominions; nor had taken arms to revenge the many injuries which others had brought against her. Peace she ever had above all things at heart, had nourished and preserved it. Neither the infant state of Scotland, nor the treachery of France, nor the divisions of her enemies, nor the frequent solicitations of the Dutch, nor even all these things, could move her to make war. And, when she heard that mighty preparations were making against her and her kingdom, she chose rather to propose peace than to cast all hopes of it aside: for she sent a set of grave, prudent, and noble persons, as her ambassadors, to treat of it. Which, whilst they were labouring to effect, behold, a vast navy of Spanish ships were seen on our English coasts. Such a navy, that for number and greatness of the ships, for quantity of arms and military forces, and for all kinds of necessary stores, was never seen to float on the ocean before. But God Almighty, her maj.'s hope, defender, and preserver, rendered this vast Armado of her enemies vain and useless. For the British navy, by far inferior in number and strength, happily attacked, once and again, those huge raised-up rocks and mountains of ships; and, at the third conflict, so dispersed, shattered, and disabled them, that never thinking to renew the fight, they fled for it, and took a long course hitherto unheard of; for they steered round Scotland, Ireland, and the most northern regions, and by those means hoped to regain the Spanish coasts. But what shipwrecks they suffered, what hardships they bore, how many ships, soldiers, and seamen they lost, neither can they yet know, nor we for certain learn. Some few ships escaped to Spain; but so shaken, shattered, and forlorn, as they can never be of use to them again. The soldiers and sailors who have survived were so miserably harrassed by hunger, thirst, and other hardships, that they cannot of a long time recover their former health. But to what end, says he, do I, by this recital, endeavour to make you secure and void of fear? Do not you imagine, I say, that they are ardently studious of revenge; and that they will not employ the power, the strength, the riches of Spain, and the forces of both kingdoms, to accomplish it? Know you not the pride, fury, and bitterness of the Spaniard against you? Yes, adds he, this is the great cause of summoning this parl.; that in this most full assembly of the wisest and most prudent persons, called together from all parts of this kingdom, as far as human counsel can advise, a diligent preparation may be made, that arms and forces and money may be in readiness; and that our navy, which is the greatest bulwark of this kingdom, may be repaired, manned, and fitted out for all events with the utmost expedition."

After the Chancellor had ended his oration, the Queen adjourned the House of Lords to Feb. 6, to give time to the Commons to choose their Speaker. Accordingly, on that day, the Commons presented to the queen George Snagg, serjeant at law, for their Speaker, who, with the usual ceremonies, was confirmed. The Lord Chancellor, at the end of the admission speech only admonishing the commons not to extend their privileges to any unreverend and misbecoming Speeches, or unnecessary accesses to her maj. The first thing the Lords went upon was to bring in a bill concerning the Raising and Regulating of Officers and Soldiers; and the Commons about raising a Supply. The former bill passed the Lords, and went no further; but a bill against the embezzling of Armour, Habiliments of War, and Victual, which was made felony, became a statute.

*A large Supply granted.*] March 11, an "Act for three 15ths and 10ths, and —— entire Subsidies, granted by the temporality," was sent up to the Lords. Whether there is any mistake in this entry or no is uncertain; but, on the 14th, when the bill was first read in the Lords, it was intituled, "an Act for the

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granting of four 15ths and 10ths and two entire Subsidies;" and was passed under the same title on the 17th. On the same day a bill was read for the Confirmation of a Supply granted by the Clergy, which consisted of two subsidies of 6s. in the pound, to be paid yearly by 2s. in the pound. How this vast Supply was carried in the Commons will appear in the sequel.

*Debate on a Bill for Regulating Abuses in the Exchequer, &c.*] Feb. 17th, when the motion was made for a Supply to be granted to her maj. sir Edw. Hobby complained to the house that several particulars of a speech, he had made on the bill for Regulating Abuses in the Exchequer, had been reported out of the house, for which he had been sharply rebuked by a very great Person. And praying that the said bill might be again read and committed, he was in some sort interrupted by the Chanc. of the Excheq.; who said, "That he offered not to speak to any prejudice of the said motion; but putting the house in remembrance of their charge given unto him and others, for conference to be had touching some convenient Supply of treasure to be had and levied for the necessary defence of her maj. and this realm, now presently in danger of such mighty and great enemies, as erst of late hath been at large delivered unto this house by some members of the same, declared unto them, that he and the greater part of the residue of the committees therein, though divers of them did not give that attendance therein which so great and weighty a cause doth require, have met and had conference together about the same, 4 several times; and, that at the last time of their said conference, they resolved upon such an extraordinary proportion of provision, as they thought, the present extraordinary occasion of necessity doth require, and that they did set the same down in writing, which he also moved might be read unto them; to the end that if it might upon the reading thereof, stand with their good-liking to allow of it and give their assents unto it, mr. Speaker might then deliver it to her maj.'s learned council, to have the same framed into the form of a bill to be proceeded in and past in this house; and shewed further, that as the grant of this contribution is greater than hath been heretofore for the most part ordinarily used to be granted (the present necessity so requiring it) so thinking good amongst them it should not hereafter be an occasion of a precedent to posterity for the like (without like cause) divers of them were of opinion, that some meet words to such an effect might be inserted in the preamble to the bill. And shewed further, that one of the committees, to wit, mr. Francis Bacon, had for that purpose set down a Note in writing, which, he said (if it pleased them) they might also hear read, and afterwards (if they thought good) might also be delivered to her maj.'s said learned council likewise with the said other note; and that withal the said mr. Bacon might repair to her maj.'s said learned council for the further proceeding therein with them, if this house should so think good. Whereupon the house liking well of this motion, both the said notes in writing were read by the clerk, and afterwards agreed by the whole house, that the same notes should be forthwith delivered by mr. Speaker to her maj.'s said learned council accordingly, and the said mr. Bacon also to repair unto them."—After the Chancellor had ended, sir Henry Knyvet entered upon the complaint made by sir E. Hobby, and desired the house would take it into consideration. He commended the motion, and urged the present Reading of the bill. And, upon the question, it was ordered to be read immediately, and committed.

*The Queen's Message thereupon.*] This bill, and another concerning Purveyors, gave great offence at court. We find that Feb. 27th, a Message came from the Lords to desire a conference with some of the Lower House concerning a Message they had just received from her maj. On this, a large committee were appointed, who, returning, made report, "That the lord treasurer had informed them the Message from her maj. was concerning the bills aforesaid, which she greatly misliked in both cases. The one tending to regulate the officers and ministers of her own household; and the other, those of her own court and of her own revenues. In both which, if any should demean themselves ill, her maj. was of herself both able and willing to reform them. And would make public examples, to other officers, of those of her household or court who should at any time be found to offend."—Many speeches and motions were made upon this, what was best to be done to satisfy her maj. about their proceedings in these bills. At length, it was resolved to chuse another Committee to consider of this matter; and, also to search precedents that might best serve to that purpose. And two days after, it was reported to the house, that the Committee thought the best way was to represent the case, as it stood, to her maj. by the mouth of their Speaker. Accordingly, March 8th, mr. Speaker shewed unto the House, "That he and others of this house, who were appointed to attend upon her maj. had access unto her highness yesterday; and that they received from her maj. most comfortable and gracious speeches in far better sort and measure than he was any way able to repeat or open unto them, of her highness's great and inestimable loving care towards her loving subjects, yea more than of her own self, or than any of them have of themselves. And as to the parts of the present humble Petition of this house unto her highness, in the grievances by the Purveyors and in the Court of Exchequer, it pleased her maj. to tell them, That for the one, to wit, the abuses of Purveyors, her highness had given orders unto the late lord steward to address his letters unto all the shires of this realm, for the due inquiry and certificate of the misdemeanors of Purveyors in all places, for some courses thereupon to

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be had for convenient redress in the same: and that before any order could well be taken for accomplishing that good intended effect, the Spaniards upon a sudden attempted the invasion of this realm; by reason whereof her maj. said, the said purpose was not performed. And so shewing further, that her maj. having as much skill, will and power to rule and govern her own household, as any subject to rule and govern theirs without the help or aid of their neighbours; so her majesty minding very carefully of her own mere great love and affection towards her subjects very shortly to cause a collection to be made of all the laws already in force touching Purveyors, and also all the constitutions of her highness's houshold in that case, and thereupon by the advice of her judges and her learned council, to set down such a form and plot for the said redresses, yea, and that before the end of this present session, as shall be as good and better for the ease of the subjects, than that which this house had attempted without her privity, and in which they would have bereaved her maj. of the honour, glory and commendation of the same. And touching the Exchequer she said, it was her Chamber, and so more near unto her than the household: and that in the 10th year of her reign, her maj. had caused certain orders and constitutions to be set down, for the due and fit course of such things in the said court, as her subjects seem to be grieved for."—On which these two bills were dropped, for that time; but, as it seems, they were soon after revived, by the Queen's allowance, and passed into laws this parliament.

*Debate on the Supply.*] It was not till Feb. 28th that the bill for granting a Supply was again considered; and several speeches being made for having it speedily ingrossed, it was opposed by others, who argued, "That it was better to proceed with other bills, as necessary for the commonwealth, which ought to be treated on and expedited before the Subsidy bill; because it was their opinions when that bill was once passed this house, there would soon be an end of this session. On which the question being put, it was carried for the ingrossment of the bill. After this, it met with no more opposition, but was passed and sent up to the lords on the 11th of March.

*The Parl. dissolved.*] March 29th, a Message was brought from the Lords, that their lordships desired the Lower House to concur with them in opinion, "That since most of all those Treasons, which had been practised against her maj. had either been plotted in Spain, or procured by Spain; and that all the rebellions, either in England or Ireland, during her maj.'s reign, had been countenanced from thence; and, as the upshot of all, his late intended ambitious and blood-thirsty conquest, yet fresh in memory, might be added: her maj. ought to be desired to denounce open war against the king of Spain, as against a most dangerous enemy to her maj. and her realms." On which Message it was resolved upon the question, "That this House would join with their lordships in requesting her maj. to denounce war as aforesaid; and that the Speaker should deliver the same to her on presenting the Supply." And that very day her maj. being come to the Upper House, the Speaker went up with the bills, and, in his speech, moved the queen to denounce open war against the Spanish king, who had so lately threatened destruction to her maj. and these realms by his open and hostile invasion. Then after giving the royal assent to 16 public and 8 private acts, sir Christ. Hatton, knt. lord chanc. by the Queen's command, dissolved this parliament.

*A new Parl. called.*] It was not till the year 1592-3, that a new parl. was called; when the necessities of the state again requiring a Supply, writs were issued for one to meet at Westminster, on the 19th of Feb. At which time and place the Queen came to the House of Lords, and the Commons being called up,

*The L. Keeper's Speech at opening the Session.*] Sir *John Puckering*, knight, then lord-keeper, declared the cause of the summons to this effect:

"He shewed, in the first place, the antiquity, nature, and use of parliaments. Then he set forth as the principal matter, (which her maj. did desire to have made known and manifest to all her loving subjects) the great malice of the king of Spain, which he had towards this realm, and this he shewed, by sundry instances; as the last intended Invasion, his forces then addressed out of the Low-Countries for that purpose, to have been conducted by the duke of Parma, &c. And then he proceeded in the rest of his oration, to the purpose following: The high and mighty ships that then he prepared and sent for that purpose, because he found them not fit for our seas and such an attempt, he is building ships of a less bulk, after another fashion; some like French ships, some like the shipping of England; and many hath he gotten out of the Low-Countries. He is now, for the better invading of England, planting him in Britainy, a country of more facility to offend us than the Low-Countries; there he hath fortified himself in the most strong holds of that country.—In Scotland he hath, of late, wrought most of the nobility to conspire against their king; to give landing to his forces there; and to assist him in his invasion thither. A greater part of the nobility in Scotland be combined in this conspiracy, and they have received great sums of money for their service therein. And to assure the king of Spain of their assistance, they have signed and sent their promises, sealed, to the king.—This conspiracy the king of Scots was hardly brought to believe, but that her maj. advertised him thereof, having entertained intelligence thereof, as she hath of all things done and intended in those parts. And that the king might better advise thereupon, her maj. hath sent one of her noblemen now into Scotland; and the king hath assured

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her maj. with all his ability and endeavour to prevent the Spaniard, whose purpose is on the north parts to assault us by land, and, on the south side, to invade us by sea; which is the most dangerous practice that could be devised against us. And now the rage of this enemy being such, his forces joined with other princes, his adherents, greater; the charge of her maj. for defence of her realm, both with forces by sea, and armies by land hath been such, as hath both spent the contribution of her subjects, by subsidies, and what otherwise they offered her; and also consumed her treasure; yea, caused her to sell part of her highness's crown. And, it is not to be marvelled how all this is consumed, but rather to be thought how her maj. could be able to maintain and defend this her realm, against so many realms conspired against us.—Wherefore, we her majesty's subjects, must, with all dutiful consideration, think what is fit for us to do; and, with all willingness, yield part of our own, for the defence of others, and assistance of her maj. in such an insupportable charge. Were the cause between friend and friend, how much would we do for the relief of one another? But the cause is now between our sovereign and ourselves: seeing there is so much difference in the parties, how much more forward ought we to be? The aid that formerly hath been granted unto her maj. in these like cases, is with such slackness performed, as that the 3rd of what hath been granted cometh not to her maj. A great shew, a rich grant, and a long sum, seemeth to be made, but it is hard to be gotten, and the sum not great which is paid. Her maj. thinketh this to be, for that the wealthier sort of men turn this charge upon the weaker, and upon those of worst ability; for that one dischargeth himself, and the other is not able to satisfy what he is charged withal.—These things should be reformed by such as are commissioners in this present service.—Her majesty further hath willed me to signify unto you, that the calling of this parliament now, is not for the making of any more new laws and statutes, for there are already a sufficient number both of ecclesiastical and temporal; and so many there be, that rather than to burthen the subjects with more, to their grievance, it were fitting an abridgement were made of those there are already.—Wherefore it is her maj.'s pleasure, that the time be not spent therein: but, the principal cause of this parl. is, that her maj. might consult with her subjects for the better withstanding of those intended Invasions, which are now greater than were ever heretofore heard of. And whereas heretofore it hath been used, that many have delighted themselves in long orations, full of verbosity and of vain ostentations, more than in speaking things of substance; the time that is precious should not be thus spent. The sessions cannot be long, by reason of the spring-time, 'tis fit that gentlemen should repair to their countries; the justices of assize also to go to their circuits. So the good hours should not be lost in idle speeches, but the little time we have should be bestowed wholly on such businesses as are needful to be considered of." And he then desired them to elect a speaker.

*The Speaker's Speech.*] Feb. 22. The queen being come again to the Upper House, the Commons presented the famous Edward Coke, esq. solicitor-general, as their Speaker; who, being placed at the bar of the house, delivered himself as follows: "Your maj.'s most loving subjects, the knights, citizens, and burgesses, of the house of commons, have nominated me, your grace's poor servant and subject, to be their Speaker. Though their nomination hath hitherto proceeded, that they present me to speak before your maj.; yet this their nomination is, only as yet, a nomination and no election, until your maj. giveth allowance and approbation. For, as in the heavens, a star is but 'opacum corpus,' until it have received light from the sun; so stand I 'corpus opacum,' a mute body, until your highness's bright-shining wisdom hath looked upon me, and allowed me. How great a charge this is, to be the mouth of such a body as your whole Commons represent, to utter what is spoken, Grandia Regni, my small experience, being a poor professor of the law, can tell. But, how unable I am to do this office, my present speech doth tell, that of a number in this house, I am most unfit. For, amongst them are many grave, many learned, many deep wise men, and those of ripe judgments: but I am untimely fruit, not yet ripe, but a bud scarcely blossomed. So, as I fear me, your maj. will say, 'Neglectâ frugi eliguntur folia:' amongst so many fair fruit ye have plucked a shaken leaf.—If I may be so bold as to remember a speech (which I cannot forget) used the last parl. in your maj.'s own mouth, Many come hither 'ad consulendum qui nesciunt quid sit consulendum;' a just reprehension to many as to myself also, an untimely fruit, my years and judgment ill befitting the gravity of this place. But, howsoever, I know myself the meanest, and inferior unto all that ever were before me in this place; yet, in faithfulness of service, and dutifulness of love, I think not myself inferior to any that ever were before me. And, amidst my many imperfections, yet this is my comfort; I never knew any in this place, but if your maj. gave them favour, God, who called them to the place, gave them also the blessing to discharge it."

*The Lord Keeper's Answer.*] The *Lord Keeper* having received instructions from the queen, answered him: "Mr. Solicitor, her grace's most excellent maj. hath willed me to signify unto you, that she hath ever well conceived of you since she first heard of you, which will appear, when her highness elected you from others to serve herself. But, by this your modest, wise, and well-composed speech, you give her maj. further occasion to conceive of you, above that which ever she thought was in

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you; by endeavouring to deject and abase yourself and your desert, you have discovered and made known your worthiness and sufficiency to discharge the place you are called to. And, whereas you account yourself 'corpus opacum,' her maj. by the influence of her virtue and wisdom, doth enlighten you; and not only alloweth and approveth you, but much thanketh the lower house, and commendeth their discretion in making so good a choice, and electing so fit a man. Wherefore now, mr. Speaker, proceed in your office, and go forward, to your commendation, as you have begun."

*The Speaker's Reply.*] The lord keeper's speech being ended, the speaker began a new speech: "Considering the great and wonderful blessings, besides the long peace we have enjoyed under your grace's most happy and victorious reign, and remembering with what wisdom and justice your grace hath reigned over us, we have cause daily to praise God that ever you were given us; and the hazard that your maj. hath adventured, and the charge that you have borne for us and our safety, ought to make us ready to lay down ourselves and all our living, at your feet, to do you service.—After this he related the great attempts of her maj.'s enemies against us, especially the Pope, and the king of Spain, who adhered unto him. How wonderfully we we were delivered in 88, and what a favour God therein manifest unto her maj. His speech, after this, tended wholly to shew, out of the history of England and the old state, how the kings of England, ever since Hen. III.'s time, have maintained themselves to be the supreme head over all causes within their own dominions. And then reciting the laws that every one made in his time, for maintaining their own supremacy, and excluding the Pope, he drew down this proof by a statute of every king since Hen. III. to Edw. VI. This ended, he came to speak of laws, that they were so great, and so many already, that they were fit to be termed 'elephantinæ leges.' Therefore to make more laws it might seem superfluous. And to him that might ask, 'Quid causa ut crescant tot magna volumina legis?' It may be answered, 'In promptu causa est, crescit in orbe malum.' The malice of our arch-enemy, the devil, though it were always great, yet never greater than now; and that 'dolus et malum' being crept in so far amongst men, it was requisite that sharp ordinances should be provided to prevent them, and all care be used for her maj.'s preservation. Now am I to make unto your maj. 3 Petitions, in the name of the Commons; 1st, That Liberty of Speech, and Freedom from arrests, according to the ancient custom of parl. be granted to your subjects; 2d, That we may have access unto your royal person, to present those things that shall be considered amongst us; lastly, That your maj. will give your royal assent to the things that are agreed upon. And, for myself, I humbly beseech your maj. if any speech shall fall from me, or behaviour found in me, not decent and fit, it may not be imputed blame upon the house, but laid upon me, and pardoned in me."

*The lord Keeper's further Answer.*] To this speech, the *Lord Keeper*, having received new instructions from the queen, made his reply. "In which he first commended the Speaker greatly for it; and then he added some examples of history for the king's supremacy in Hen. II. and other kings before the conquest. As to the deliverance we received from our enemies, and the peace we enjoyed, the queen would have the praise of all those attributed to God only. And, touching the commendations given to herself, she said, 'Well might we have a wiser prince, but never should they have one that more regarded them, and in justice would carry an evener stroke, without exception of persons; such a prince she wished they might always have.' To your 3 demands the Queen answereth; Liberty of Speech is granted you; but how far this is to be thought on, there be two things of most necessity, and those two do most harm, which are wit and speech: the one exercised in invention, and the other in uttering things invented. Privilege of speech is granted, but you must know what privilege you have; not to speak every one what he listeth, or what cometh in his brain to utter that; but your privilege is, *aye* or *no*. Wherefore, mr. Speaker, her maj.'s pleasure is, That if you perceive any idle heads, which will not stick to hazard their own estates; which will meddle with reforming the Church, and transforming the Commonwealth; and do exhibit any bills to such purpose, that you receive them not, until they be viewed and considered by those, who it is fitter should consider of such things, and can better judge of them. To your Persons all privileges is granted, with this caveat, that under colour of this privilege, no man's ill-doings, or not performing of duties, be covered and protected. The last; Free Access is granted to her maj.'s person, so that it be upon urgent and weighty causes, and at times convenient; and when her maj. may be at leisure from other important causes of the realm."

*Bill against Popish Recusants.*] The first bill we find brought into the Lords, of any note, was for the restraining of Popish Recusants to some certain places of abode. The bill was first introduced, under a different title, viz. 'An act for the restraining and punishing of vagrant and seditious Persons; who, under the feigned Pretence of Conscience and Religion, corrupt and seduce the Queen's subjects.' Under the first title it passed into a law and was, no doubt, calculated to keep up fears against popery; for no parl. in this reign passed without an act to that purpose. By this act they were confined within 5 miles of their respective dwellings, on forfeiture of all their goods, chattels, and lands, during life.

*Debate on the Bill against Puritans.*] But

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another religious sect, called Puritans, they had much occasion at this time to guard against. The legislature took particular notice of these, also, in reviving a former act 'for keeping the Queen's Majesty's Subjects in their due Obedience.' In the preamble to this act, it is declared to be made for the 'preventing and avoiding of such great inconveniences and perils, as might happen and grow by the wicked and dangerous practices of seditious sectaries, and disloyal persons.' The act itself ran, "That if any person, above the age of 16, shall refuse to repair to some Church, or forbear to do the same for the space of a month, he shall be committed to prison there to remain, without bail or main-prize, till they shall conform; and make such open submission and declaration of their conformity as the act appoints." The offenders against this statute, who refused to make this submission, were to abjure the realm, and not to return without her maj.'s licence, under the penalty of suffering as felons without benefit of clergy.—Feb. 28th, the bill was read a 2nd time. It was levelled, at first, only against the Papists; but, after some arguments, amongst which, one member asked, Whether those that came not to church, by reason of the mislike they had to church-govt. were to be in the same case with a Popish Recusant? The matter was committed for further consideration. March 12th the said Committee brought in the bill as before; and also a new one framed, on a more moderate system, which was read a first time, and the old one dropped. The next day it was read again, and then occasioned a farther debate; mr. Sandys thought the bill ought to pass, as it was first meant, against all Recusants, and not restrained to Popish Recusants only; and that, under this bill, all Brownists, Barrowists, &c. ought to be included. Another member was for the restriction to Papists alone; and the Speaker said, That as the title of the bill, and the preamble, ran only against such as are enemies to the state, and adherents to the Pope, other Recusants than popish could not be comprised in it; since another bill might be framed against those persons, and these not included in it. Mr. Dalton argued, that the sectaries ought to be comprised in this bill, as well as Papists; that the preamble might be altered, and be to repress all disloyal subjects, and force them to a more due obedience: or it might be wholly left out, and go directly to the act itself; for he cited several bills overthrown by too many superfluous words in the preamble. Dr. Lewin spoke against the Brownists and Barrowists; and concluded, that they ought to be provided against as well as Papists: but whether in this or another bill, he left it to the wisdom of the house. After which, the said bill was re-committed, and a new bill framed against disloyal subjects, &c. both which passed the house, without any more remarkable opposition.

*The Lords make a Contribution for the Relief of maimed Soldiers, &c.*] The Lords Journals tell us, that March 13th, this session, on a motion of the bp. of Worcester; the Lords condescended to a Contribution, for the relief of such poor Soldiers as went begging about the streets of London, after this rate: that every earl should give 40s. every bp. 30s. every baron 20s. and appointed the said bp. of Worcester and the lord Norris collectors; and the earl of Essex and the lord Willoughby, distributors thereof. These last lords had been generals abroad, and therefore proper persons to disburse this charity. But the matter did not rest here; for, on the 9th of April, another entry is made, that, "whereas the Lords of parl. both spiritual and temporal, assembled in the parl. chamber, at Westminster, have all, with uniform consent, in their own names, and the rest of the Lords absent, ordered, That there should be a charitable Relief and Contribution made towards the aid and help of a number of Soldiers, that are seen, in the time of this parl. maimed and sore hurt, in the wars of France, the Low-Countries, and over the seas for the service of the queen's maj. and this realm. And for that purpose have allotted, that every abp. marquis, earl, and viscount, should pay towards this contribution the sum of 40s. every bp. 30s. and every baron 20s. for collecting whereof there hath been appointed the queen's maj.'s almer, the bp. of Worcester, for the bps. and the lord Norris for the lords temporal, which hath been diligently done and received of all those lords who have attended their great charge in parl. And, considering the number of the soldiers being many to be relieved, notwithstanding the knights, citizens and burgesses of the lower house, have yielded very good and large contribution, according to their degrees; yet, for the better relief of the said maimed Soldiers, it is by the lords spiritual and temporal, that have given their chargeable attendance, and also charitably and honourably yielded to this contribution, thought meet, and so it is ordered and decreed by them, with common and full assent; That all the lords of parl. who have been altogether absent in this session, and that shall not have contributed to this charity before the end of this session, shall be required, by letters sent to them, by the lords their proxies in their absence, or from the lord keeper of the great seal, requiring and charging them, to make payment, according to their degrees and vocation, the double of the sums of money paid by the lords that have been here present and continued their attendance; that is to say, every absent earl, with the abp. of York, 4 pounds; every absent bp. 3l. and every baron 40s. Likewise, such lords as have attended sometimes, though seldom, shall, according to their degrees pay a third part more than the lords that are constant here. All such sums of money shall be delivered to the lord keeper, and afterwards distributed, by such lords as are chosen for that purpose, to the maimed Soldiers that stand the most in need thereof. And, as the Commons, in this present parl.

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have rated their absent members double, so we think this order very just; considering the absent lords and others who have been at no charge to come up and give their attendance, may, very reasonably, and with great saving of their charge, contribute to this order. And, if any lord, spiritual or temporal, shall refuse or forbear to do this, (which it is hoped in honour none will do) there shall be ordinary means used to levy the same."—But this was not all; for this parl. resolved to make the rest of the kingdom contribute to the same, by bringing in a bill for the Relief of Soldiers and Mariners; by which act every parish was charged with a sum, weekly, for the relief of sick, hurt and maimed soldiers and seamen. Which act is the first of its kind for this charitable and necessary purpose.

*Lord Burleigh's Speech for a Supply.*] Mr. Strype, the annalist, has restored to us a Speech of the lord treasurer Burleigh, made in the house of lords during this session, but on what day is not mentioned. It was most probably delivered before the Subsidy bill came up from the Commons, in order to acquaint the Lords with the State of the Nation at this time, and to prepare them for furthering the Supply. Our author says he copied it from a M.S. in the lord treasurer's own hand-writing. The Speech, together with the Schedule of the Queen's Extraordinary Charges on account of the War annexed to it, are as follow:—

"To make a declaration of the first cause, and original beginning, whereby her maj. was provoked to arm her realms with forces, were a labour lost in this place: where in former times the same hath been often declared; and wherein a great number of the nobility here present have heard many circumstances thereof, at the proceedings with the late queen of Scots. For whom, and by whom, the quarrels were first made against the queen's maj.'s person, against the religion and quietness of the realm.—And therefore, leaving the repetition of that cause, by which her maj. was detained in a kind of war, to withstand both the king's of France and Spain, who intermeddled in the case of the Queen of Scots against her maj.; yet there hath followed continually such a deadly malice from the king of Spain, the bp. of Rome, and their confederates, as unto this day, wherein no intermission hath been of attempts against her maj. and the realm; although at some time more vehement than at some others; as appeared in the year 88, by his open armies both by sea and land; being of greater force than ever was known to be made by his father the emperor Charles, or by himself, or by any Christian prince within the memory of man.—But minding to overpass all the attempts afore that huge enterprize, that was frustrate by God's special goodness beyond the expectation of the world: and considering there hath been no assembly of parl. since that time, wherein her maj. might publicly declare to the states of her realm the continuance of the former attempts, but the increase of more dangers than were seen in any time before. Therefore, as was delivered by the Lord-keeper, her maj. hath summarily imparted the same to this assembly, referring the consideration thereof to the whole three estates, whereof two are in this place; how the same danger may be withstood, and by what provision her majesty and realm may be preserved in domestic peace, as yet it is, as in a centre of happiness, where the circumference is in open calamity.—And, because it is all our parts and duties, first to God, and to our sovereign head, and our native country, to apply all our endeavour, being every one of us called to this place, by special commandment, in express words, upon consideration of the hardness of the business, and the perils imminent, to treat with her maj. and with the prelates and great men of the realm, and to give our counsels, so as it is convenient for us all: first to consider the perils, and then to give counsel. Therefore, in discharging of my duty, with your patience in suffering an old man, beside his years, decayed in his spirits with sickness, to declare some part of his knowledge of the dangers and perils imminent. But for advice and counsel how to withstand the same, I shall be constrained, for lack of sufficient understanding in so great cause, to require some further conference with your lordships, or with so many as shall appear more able than I am, to give some good entry thereto. As to the Dangers, that they be great and imminent, that they have both lately grown and likely to increase, these be manifest arguments. First, the king of Spain, since he hath usurped upon the kingdom of Portugal, he hath thereby grown mighty by gaining the East Indies. So as how great soever he was before, he is now thereby more manifestly great. But for increase hereof to be greater, yea, greater than any Christian prince hath been, he hath lately joined with his intended purpose newly to invade this realm, with more might than before he did the invasion of France, by sundry ways. Not as in former times, when the emperor Charles and the French kings, the great Francis and the warlike Henry, made former wars for towns their greatest wars. Yea, when the present king of Spain had his great army against Henry of France. For in those wars none of them intended to do any thing more but to be revenged of supposed injuries, by burning or winning of some frontier towns by besieging. And after such revenges, mutually had to the satisfaction of their appetites, wherein neither party had any special advantage, they fell to truces, and in the end with knots sometimes of intermarriages. And by these kind of wars none of them did increase in greatness, to be dangerous to their enemies. And in these kind of wars our kings of England had their interest, for the most part, to the expence of men and money; and never to the loss of any small portion of any ground in England and Wales, nor otherwise; but by



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yielding to the king of Spain, by means of the marriage of queen Mary, to make war with France, the realm lost that noble town and port of Calais, with great seignories and territories thereunto belonging. But now the case is altered. The king of Spain maketh these his mighty wars, by means only of his Indies; not purposely to burn a town in France or England, but to conquer all France, England, and Ireland. And for proof hereof: 1st, for France, he hath invaded Britain, taken the fort, builded his fortresses, carried in his army, waged a navy in Britain, received into wages a great number of his subjects, as rebels to France. And there he keepeth a navy armed, to impede all trade from England to Gascoign and Guienne; which he attempted to do this last vintage. And so he had had his purpose, if to the great charges of the merchants, and by countenance of her maj.'s navy, sent to the coast of Britain, the shipping of England had not been much stronger than his. Besides this, his possessing a great part of Britain towards Spain, he hath at his commandment all the best ports of Britain towards England. So as now he is become as a frontier enemy to all the west of England. And by his commandment, and his waged troops in Newhaven, he hath enlarged his frontiers now against all the south parts of England, as Sussex, Hampshire, Isle of Wight. Yea, by means of his interest in st. Malo's, a port full of shipping for the war, he is a dangerous neighbour to the queen's isles of Jersey and Guernsey, ancient possessions of this crown, and never conquered in the greatest wars with France.—Of this matter of Britain a man might enlarge, the danger so great to England, as if he had attempted nothing at all in Normandy and France; yet the danger hereof might appear so great as ought to induce England to spare no cost to withstand it. And herewith he is not contented to seek this dukedom, but he destines all his forces to conquer the kingdom of France, the principal kingdom of Christendom. And, to atchieve his enterprize, he hath, these two years-day and more, corrupted, with great sums of money and large pensions, certain factious noblemen, not of the blood of France, nor the great officers of the crown; and by them, and with these rebels, and by waging of his soldiers in some of the principal towns of France, as Paris, Roan, Orleans, Lyons, Toloze, and others, he hath procured a rebellion against the king, against all the princes of the blood, against all the great officers of the crown. But finding these rebels not strong enough of themselves, notwithstanding they are well waged by him to withstand the king, he hath, to his great charges, levied and sent into France, even to Paris and Roan, armies collected of Walloons, Lorainers, Italians, Spaniards, Almains, and Switzers. Wherewith he hath twice entered into France; though God gave him no good success, but great loss and reproach. Besides these foreign armies, sent from the Low Countries, he hath caused his son-in-law, the duke of Savoy, to invade France by Provence and Dolphiné; and the duke of Lorain by Burgundy and Champaign, and to environ France. Further, he hath sent armies by sea, out of Spain, to invade Languedoc. And even now at this present, all these foreign forces are newly made ready to enter into all parts of France, made by a colourable assembly of the rebels in Paris, to represent the three estates; yet without a king or a head. He intendeth to be a king of that realm, or to make his daughter the queen, and to appoint her a husband, to be as his vassal. He hath also the Pope so addicted to him, as he that never was wont to send to any parts but only Italy, by bulls with lead and parchment, did now levy and send an army into France. And though he colloureth it with matter of defence of Catholic religion, yet both he and the king of Spain make war against all the princes of the blood, and officers of the realm, being sound Catholics. And so they have, by their ambassades, lately advertised the Pope; as by the cardinal Gundy, and marq. Pysany, ancient counsellors of France, and Catholics. So as the pretence of the Pope, and the king of Spain, in that point, are merely France. These are the dangers in France, and must of consequence draw England into like peril; without God's special goodness, and the speedy support to be given to her maj. for prevention thereof.—Now, to manifest the king of Spain's attempt to invade England, whereof I think no good Englishman so want of feeling to think otherwise, yet I will remember to you divers manifest arguments thereof; and afterwards, to supply the want of any man's feeling only by arguments or tokens, I will declare to you, the very truth of his determination, by manifest proofs. So as none ought to think, because he was disappointed of his intention for the conquest of England by his huge navy, therefore he will put that disgrace up, and leave off with that loss. But it is certain he hath, the two last years, builded a great number of ships of war, as near as he can to the mold and quality of the English navy; finding, by experience, his monstrous great ships not fit for our narrow seas. He hath lately armed a number of gallies on the coast of Britain, which he intendeth to send this summer to Newhaven. He hath also, these two years-day, both bought and built great ships in Eastland. He hath, both from thence and by corruption of our faint and covetous neighbours in Holland, recovered, with silver hooks, both mariners, ships, cordage, and all provisions. These being now on the point of readiness to serve on the seas, a good argument may be made, That this navy must be for England. For now that he hath all the maritime coast of Britain, and that he hath, in Normandy, Newhaven, there is no service by sea to enter into any part of France with this navy.—How he and the Pope ply themselves

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to win a party in England to be ready to second his Invasion, I am sorry and loth to relate; and how far they have prevailed herein to gain so great a multitude of vulgar people; yea, of some that are of wealth and countenance, to adhere to these invaders at their entry, with vain hopes to attain the places, honours, and livelihoods of such as are now known true natural Englishmen, and good subjects.—But to such as these arguments will not suffice to be persuaded, that this intention of the king of Spain to invade this realm is certain; this that followeth shall fully satisfy any man, yea, any man that useth to believe nothing until he shall see it. There are taken in Scotland and imprisoned, certain that came first out of Spain, near afore Christmas, from the king; who before had been sent out of Scotland to the king of Spain. These messengers brought assurance to certain noblemen, of the greatest calling in Scotland, that if they would send their bonds, under their hands and seals, to serve the king of Spain, for the Invasion of England, by land, next summer, the king would send an army of 25,000 to the west of Scotland; and would give the noblemen wages for 10,000 Scots, to be joined with 30,000 of his, to invade England; and would keep 5000 of his in Scotland, to aid them to overrule the king of Scots, and to change the religion. This accord was perfected by three noblemen, earls Arrol, Huntley, and Angus; promising their own assistance, besides assurance, in general words, of divers more, not yet discovered. And for an earnest penny, these earls have received good sums of money from the Low Countries. Now for proof hereof, the messenger that was sent, and on ship-board, was taken, with the bonds of the noblemen, some signed and sealed by them all, and of every earl a part, in several bonds in French and Latin. The messenger hath confessed the whole to the king, who so carefully proceeded therein as if he had not travailed therein himself; such of his council as were appointed to examine the parties that were taken, durst not, for fear of the greatness of the noblemen that had offended, and were not fled, examine the messenger of any thing that might concern these noblemen. They are since all fled; and the king hath gathered of his good subjects a certain power to pursue them. But it is doubted, that they will flee into the west islands; and from thence either to pass into Spain, or to have forces sent out of Spain. But the king, the day before he went, caused one Fentry, an old practiser with Spain for the Queen of Scots, a man of a good house and great wealth, to be executed, being a principal contriver of this conspiracy. To animate the king to follow this action, her maj. hath sent my lord of Bourgh. Thus far have I observed my purpose, to shew the danger; and to give counsel to the remedy, 'hoc opus, hic labor est.' And I would gladly to have some company, of whom I might have some light, how to find out the darkness of the question; wherein, when time shall serve, I will not be silent, but deliver mine opinion, and reform it upon good ground."

*The Queen's Extraordinary Charges, by Means of the War, moved by the King of Spain. Set down by the Lord Treasurer, in the same Paper with the foregoing Speech.*

| | £. |
|---|---|
| For defence of the Low Countries by year — — — | 130,000 |
| For the charge in mr. Huddlestone's time, for —— years — — | 134,000 |
| To the earl of Leicester for Sluce | 31,000 |
| To sir Thomas Shirley, Feb. 1586 | 551,120 |
| Total, | 846,120 |
| In Normandy, with my lord Willoughby, for 6000 men — — — | 49,283 |
| In Normandy, with my lord of Essex, with —— thousand men. In Britain, with sir John Norris, with 4000 men. In aiding the French king with money. For maintenance of the navy on the narrow seas, sometimes with 800, sometimes with 700, sometimes with 600 — — — | 232,000 |
| Besides the ordinary keeping of the navy at 1200l. a month, per annum — — — — — — | 14,400 |
| For the office of the ordnance — | 62,000 |
| Scotland — — — — — | 15,000 |
| In all, | £. 1,218,803 |

March 24th, the Commons sent up a bill to the Lords, entitled, 'an Act for the grant of 3 entire Subsidies, and six 15ths and 10ths, by the temporality;' which passed the Lords on the 30th without any opposition.

*Four Members committed, for proposing a Bill for Entailing the Succession.*] This is all that the Lords Journals give us; but, that of the Commons is not so barren. For after the ceremonies of the opening this session were finished, the next thing we find entered, is, "That on Feb. 24, mr. Peter Wentworth and sir Hen. Bromley delivered a Petition to the Lord Keeper, therein desiring the Lords of the Upper House to be suppliants, with them of the lower, unto her maj. for 'Entailing the Succession of the crown; for which they had a bill ready drawn.' This matter was highly resented by the Queen, as contrary to her former strict commands. They were soon after called before the Council; and, though the lords there spoke favourably to them, yet, they were told that her maj. was so highly offended at them that they must be committed. Accordingly, mr. Wentworth was sent prisoner to the Tower, sir Hen. Bromley to the Fleet; and one mr. Rd. Stevens and mr. Welch, two other members concerned in drawing the Petition, were sent to the Fleet with him. How long these 4 members were confined is uncertain; for, on the 10th of March, one mr. Wroth, moved the House, on the Subsidy-bill, "That since some countries might complain of these very large taxations, their knights and bur-

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gesses never consenting, not being present at the grant: and, because, an instrument, taking away some of its strings, can give but an unpleasant sound: therefore, he desired that the house would be humble suitors to her maj. that she would be pleased to set at liberty those members of it that were restrained." This was opposed by all the members of the Privy-Council in that house; who argued "That her maj. had committed them for reasons best known to herself; and for them to press her in that suit was but to make their case the worse. They added, that it was not to be doubted but her maj. of her gracious disposition, would shortly do it of her own accord, and that it was much better to have it left to herself than sought for by them." This severity of the Queen's had its effect; for no more mention is made of settling the Succession in this parl. nor in any other of her reign.

*Delate on the Supply.*] Feb. 26, the business of a Supply was moved in the Commons. Sir S. D'Ewes is very particular in the Speeches made on that occasion. We are told they were not entered in the Original Journal Book of the Commons, but taken from an anonymous MS. Journal, kept by some member of it. This gentleman proves to be Heywood Townshend, esq. who hath left a collection of all the proceedings in the four last parliaments of Elizabeth, which were printed, folio, London, 1680. The Journals of sir Symonds D'Ewes were not published till 2 years after, but then they were posthumous, and dedicated to sir Willoughby D'Ewes his son; so that it is probable he never knew who was the author of the former! This being premised, we next proceed to the speeches on the Supply, and first,

Sir *Rob. Cecil* rose and said: "Mr. Speaker, as I remember, I have been of this house these 5 parliaments; and I have not determined to say any thing, in these assemblies, further than my cogitations should concur with my conscience in saying bare *aye*, or *no*. Give me leave, I pray you, to rehearse an old saying, and it is in Latin, 'Nec te collaudes, nec te vituperes ipse;' for me to do the one were exceeding arrogancy, and to do the other, I do confess, I hope, you will pardon me. The occasion of this parl. as I take it by that which we received from the hon. and learned speech of the Lord Keeper of and from her maj. to us in the Higher House, is for the Cause of Religion and Maintenance thereof amongst us; the Preservation of her maj.'s Person, and the Good of this Realm. All which because they be things of most dear and greatest price, and at this present in imminent danger, it is most behoofful to consult of speedy remedies, which should proceed from the wisest heads. The enemy to these is the king of Spain, whose malice and ambition is such, as together with the Pope, that Antichrist of Rome, (for I may well couple them together, the one being always accompanied with envy at our prosperity, the other with unsatiable desire) makes them by all means to seek the subversion of the state. But concerning the 1st, the Cause of God and his Religion, which her maj. professed before she came to sit in this royal seat, which she hath defended and maintained, and for which cause God hath so blessed her govt. since her coming to the crown: yea, while the crown was scarce warm on her head, she abolished the authority of Rome, and did set up God's truth amongst us; and to her great renown made this little land to be a sanctuary for all the persecuted saints of God: whereby the people perceived her magnanimity, zeal and judgment; magnanimity in undertaking so great an enterprize; zeal in professing the same, not for the shew, but of sincerity; judgment in defending it and preventing all the Pope's designs. He sent forth his bulls and missives against her maj. thereby unnaturally depriving her of her natural right, the duty and loyalty which her subjects should owe unto her, &c. He touched the many dangers her maj. had been in, which as it caused him to fear to think, so did he tremble to speak concerning the danger of our country, and so the loss of our lives, liberties, wives, children, and all other privileges. Let me not trouble you with things past so long, and perhaps beyond my reach, but with things past of late years and since 88. When we were so secure, and never thought that the king of Spain would have set up his rest for England: then sent he his navy termed Invincible, and was almost upon the banks of us before we were aware. Yea, we were so slack in provision, that it was too late to make resistance, had not God preserved us. His attempt against us, by seeking to win the Low-Countries and to obtain Ireland, being but trifles and paultry devices, which I mean not to trouble you with; he hath now of late gone about to win France, wherein he hath greatly prevailed, as in Lorrain and in other parts, as you have heard, but specially in Britainy, having most part of the port-towns in his possession, whither he still sendeth supply daily, and reinforces them every 4 or 5 months, which port is always open and his men and forces never wanting. This province he especially desireth, for it lyeth most fitly to annoy us, whither he may send forces continually, and there have his navy in a readiness; the which he could not so easily, unless he had the wind in a bag. Besides, having this province, he will keep us from traffic to Rochell and Bourdeaux, as he doth in the Streights from Tripoly and st. Jean de Luze: and so hinder us from carrying forth and bringing into this land any commodities: from those parts, whereby the realm might be enriched and her maj.'s impost increased, being one of the greatest revenues of her crown. He hath also gone about with them of Stade and the king of Poland, one of his own faction, and who by reason he cannot do in that kingdom what he listeth, he may not so easily

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commaſid him to impede, or hinder our traffic in those eastern parts, which if he could bring to pass, you see how hurtful it would be to this land. But to descend yet lower into these latter actions. He hath seen it is but a folly to make wooden-bridges to pass into England, therefore he hath found out a surer way and stronger passage into it by land, and that by Scotland; which though it be not talked of on the Exchange, nor preached at Paul's cross, yet it is most true; and in Scotland as common as the highway, 'That he hath procured unto him many of the nobility there.' It may be he hath sent thither no great navy, and that her maj. would not suffer him to do; yet do what she can, some one paltry fly-boat may escape her maj.'s ships, and carry gold enough in her to make them traitors, and stir them to sedition. These things her maj. understood before, and advertised the king thereof; which the effect hath proved to be true. For unless I be deceived, the last letters, that came from thence, might shew that the king is gone to make a road into the north, and to bring back the lord Bothwell and the lord Huntley. The king of Spain's malice thus daily increaseth against us, and seeketh also to stir up sedition amongst us by his instruments. The number also of Papists daily increaseth, or at leastwise becomes more manifest. My advice is, that you would consult how to withstand such imminent dangers, which the greater they be, the sooner they should be looked into and remembered. Wherefore I would desire mr. Speaker, that he would appoint some committees of the sufficientest and wisest men in the house to consider thereon."

Sir *John Wolley* spake to the like effect, saying, "That upon the Cause of the Danger the realm was now in, and of the Remedy, his speech should consist; which he likened to a natural body, in which the more danger the principal member was in, the greater means there should be used for the preservation thereof. Roan being made now Admiral of France by the League, should say, that he was a poor admiral now, but yet he doubted not, but that shortly he should be able to bring such a navy as should terrify the queen of England. Also he shewed how the princes of the Holy League had conspired the overthrow of the realm, the extirpation of religion, and the confusion of her maj. and her loyal subjects. And exhorted the house, now because the season of the year groweth on, which calleth many of the knights and burgesses to be in their countries, besides the sickness being in the town, so that many of that house knew not whether they lodged in houses infected or not, that they would seek to dispatch and end the parl. so soon as might be. He also shewed how the Dunkirkers troubled our fishermen in small barks upon the sea-coasts. And so that this matter might be committed to some of the sufficientest in the house. He also exhorted the house to a speedy agreeing of a subsidy, and shewed that the wars with Spain had cost her maj. a million of money: but this he avouched, that where it cost her maj. one, it cost the king of Spain three."

Sir *John Fortescue* said, "They that spake before me, spake sufficiently of the authors of our troubles, of the great danger which is now imminent, insomuch that it is come to this point now, 'Non utrum imperare, sed utrum vivere.' I will speak of nothing but that which concerns my calling. Her maj. not being only careful for the preservation of her own realm, but of her neighbours also; she hath not only defended her own subjects from being invaded, but also hath aided strangers which wanted money, with whom otherwise it would have gone ill by this time both with them and ourselves. Insomuch that the burthen of four kingdoms hath rested upon her maj. which she hath maintained with her purse, England, France, Ireland, and Scotland. For how could the French king, at his first coming to the crown, have held out against those leaguers, had not her maj. assisted him with her men and money, which hath cost her maj. above 100,000l.? For it is well known that the French king had not been able to withstand the duke of Parma's coming into France, had it not been for our Englishmen and money. As for the Low-Countries, they have stood her maj. yearly, since she undertook the defence of them, 150,000l. All which her maj. bestowed for the good of the realm, to free us from war at home. Besides, when her maj. came to the crown, she found it 4 millions indebted? her navy when she came to view it, she found greatly decayed: yet all this she hath discharged, and (thanks to God) is nothing indebted; and now she is able to match any prince in Europe, which the Spaniards found when they came to invade us. Yea, she hath with her ships compassed the whole world, whereby this land is made famous throughout all places. She did find in her Navy all iron-pieces, but she hath furnished it with artillery of brass; so that one of her ships is not a subject's but rather a petty king's wealth. As for her own private expences, they have been little in building; she hath consumed little or nothing in her pleasures. As for her Apparel, it is royal and princely, beseeming her calling, but not sumptuous nor excessive. The charges of her house small, yea, never less in any king's time. And shortly (by God's Grace) she will free her subjects from that trouble which hath come by the means of Purveyors. Wherefore she trusteth, that every good subject will assist her maj. with his purse, seeing it concerns his own good and the preservation of his estate. For before that any of us would lose the least member of his body, we would bestow a great deal, and stick for no cost nor charges: how much more ought we in this political body, whereof not only a member but the whole is in jeopardy, if we do not make haste to the preservation thereof? And for these Subsidies which are granted now adays to her maj. they

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are less by half than they were in Henry VIIIth's time. Now although her maj. has borrowed some money of her subjects besides her Subsidies, yet she has truly repaid and answered every one fully. I desire the matter may be put to a committee."

Mr. *Francis Bacon* spake to the effect following; "That which these hon. personages have spoken of their experiences, may it please you to give me leave likewise to deliver of my common knowledge. The cause of assembling all parliaments hath been hitherto for laws or moneys: the one being the sinews of peace, the other of war. To the one I am not privy, but the other I should know. I did take great contentment in her maj.'s Speech the other day delivered by the Lord Keeper, how that it was a thing not to be done suddenly nor at one parl. nor scarce a whole year would suffice to purge the Statute-Book, and lessen the volume of Laws; being so many in number, that neither common people can practise them, nor the lawyer sufficiently understand them: than the which nothing should tend more to the praise of her maj.—The Romans appointed ten men, who were to correct and recal all former Laws, and to set forth those 12 Tables so much of all men to be commended. The Athenians likewise appointed six for that purpose. And Lewis IX. of France, did the like in reforming his laws."—The rest of his argument tending to the appointing a committee, both to consider of the dangers of the realm, and of speedy Supply to be given to her maj. And thereupon the House did accordingly nominate the said Committee, to deliberate and consult in what proportion they might now relieve her maj. with Subsidies, in respect of those many and great enemies against whose power and malice she was to provide, and prepare for necessary defence and preservation of her realms and dominions.

*Debate on a Bill to reform the Abuses of the Ecclesiastical Courts.*] Feb. 27. Mr. *Morrice* moved the house, "Touching the hard Courses of the Bishops and Ordinaries, and other Ecclesiastical Judges in their Courts, used towards sundry learned and godly ministers and preachers of this realm, by way of Inquisition, subscription and binding absolution, contrary (he said) to the honour of God, the regality of her maj. the laws of this realm, and the liberty of the subjects; compelling them, upon their own oaths, to accuse themselves in their own private actions, words and thoughts, if they shall take such oaths, because they know not to what questions they shall answer till after the time they be sworn; and also after such examination proceed against them by deprivation, degradation or suppression, upon such their own accusations of themselves. And if they refuse to take such oath, then they commit them to prison, and there keep and detain them at their own pleasure, not absolving or releasing them until they shall first have taken a corporal oath of their canonical obedience to their ordinaries. And shewing further at large, the great inconvenience thereby grown unto the free subjects of this realm, doth in the end pray a consultation to be had therein by this house, for redress of the said enormities; and offereth unto mr. Speaker two Bills, the one concerning the said Inquisitions, Subscriptions and Offering of Oaths, and the other concerning the Imprisonments upon their refusal of the said Oaths; praying that the said latter bill which concerneth the said imprisonments might be read, and the other to be offered to this house at some more convenient time."

Mr. *Dalton* answered thus: "This bill pretends great things in shew, tending to the hindrance of God's service, and the derogation of her maj.'s prerogative, to the overthrow of our laws and violating of our liberties: things, I say, great in shew, but no such things to be found in the matter spoke against. It is easy to make of a mole-hill a mountain in words, so by a well compiled speech to make a great and dangerous thing of nothing; nay, a thing indeed needless, for that the state hath hitherto always stood upon this govt. And so he shewed how Eccle-siastical govt. was distinct from Temporal. The reasons he gave were few or none: only his great dislike was, that having received strait commandment from her maj. not to meddle with things concerning the Reformation of the Church and State, therefore in his opinion the bill ought to be suppressed."

Sir *John Wolley* spake also against the bill, "disallowing the matters in it; and taking it as too busy a meddling in such a thing so forbidden by her maj. so he thought it not fit that it should be read."

Sir *Francis Knowles* answered, "That whereas it was condemned as seeking the overthrow of a member of the state, and so against the law; it tended, in his opinion, but, to the reforming of abuses, and so restraining of the prelates, that if they meddle against the laws, they shall incur a præmunire. So that he thought the bill to be good and fit to be read."

Dr. *Lewen* endeavoured to shew, "That as the natural body was delighted in change, so was it also in the politic body, greedy of alteration. That this eversion of bps. had long been sought for; and in shooting at their jurisdiction, their aim was at their places; as being no more able to stand the one without the other, than a house without a foundation. Then he entered into a discourse of Government, as Monarchies, Aristocracies, and Democracies. He approved the monarchies; and, in the most famous monarchies in the world, shewed this govt. now exercised by the bps. to have been used. He endeavoured to prove the bishops to be such a part of the body politic, as without them it could be no body. And in comparing it with the state of the natural body, he termed the prince and the counsellors of the state to be as the senses, and as the head; the bps. and ministers as the shoulders and arms; the common people the legs. Now, to take away the shoulders from the

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body, were as great a blemish and prejudice as to have the fingers tied unto the shoulders. Then came he to 3 parts of mr. Morrice's speech, Inquisition, Subscription, and binding Absolution. Inquisition he proved lawful; 1st, because it had been so long used, and in the greatest monarchies allowed. For before inquisition came in, the manner of trial was by accusation, and then the party accusing was to suffer the penalty that the law inflicted upon the party accused, if he failed in his accusation. Then it might be that the party accused, if the accuser failed in his accusation, might solicit two witnesses to answer for him, which was sufficient to acquit him: so the guilty escaped, and the guiltless accuser was punished. This seeming grievous, they changed their trials into inquisitions. And whosoever reads Demosthenes and Tully, shall see how unwillingly they were hired to accuse. And if we look into the laws of this realm, it is altogether by inquisitions in courts baron, leets, and in the king's courts, and in the star-chamber. So that this course is as lawful in the ecclesiastical as in the temporal law. Subscription was a thing we were bound unto by statute. The like was used in our churches as at Geneva, so as allowable here. Absolution, termed binding, is no other than in the common law; for in the writ 'de excommunicato capiendo,' the party absolved is to be sworn 'ad servandum jus,' and his oath to perform the law in this absolution is not grievous: whereas otherwise the party accused was to find pledges for the same. Nay, it is a liberty to him, when upon his oath he may be freed. And so as to the bill, he thought it fittest that it should be first considered of by the bishops and judges of the realm before it were read."

Mr. *Oliver St. John* spoke for the bill. "It hath been the manner of this house to allow a mixture in speaking, and after the grave, hon. and wisest, then to hear the meanest also. For myself, I am but young, yet will I shew unto you matter which is old. In answer to them that spake last, the ancient Charter of this realm says, 'Nullus liber Homo,' &c. which is flatly violated by bishops' jurisdiction. You know what things Thomas Becket stood upon against the king, which things are now also crept in. And for more full answer of one that spake before, his antiquity and prescription cannot be allowed in this govt. for any reason; for so were the official prestitute to take and exact fees, because time out of mind they had done so; and set it down that it was answered in the parliament house, 'that thieves may prescribe to take purses on Shooters-hill, because time out of mind they had done so.'—For that of Inquisition, it seems to him (specially) that spake last, to be allowed before that trial by accusation: 1st, by reason of the antiquity of the trial. But it cannot be proved so ancient as the manner of trials by accusations. For in John, the adulterous woman being brought to Christ, he asked who were her accusers? And for that manner of accusation, the lawyers themselves speak against it; for one saith of it, 'Ut libere fatear quod sentiam, nunquam mihi placebat.' For Subscription, the statute alledged is meant but a subscription to certain articles in religion, and not a subscription in this form. And because it is allowed in Geneva, so to allow it here, that is no reason. For in Geneva there be many things allowed, which the party speaking would, I dare say, be loth to have used here. As to Absolution, there is no such oath to be required therein in our writ 'de excommunicato capiendo,' as was said. So I think the bill very worthy and fit to be read."

Sir *Robert Cecil* answered, "I am unwilling to speak, yea, I speak against my will; and to answer speeches well studied and premeditated upon the sudden, it is hard for me. What the bill containeth, I am ignorant of; and whether to allow of it or not, I will suspend my opinion. To say the truth, the man that offered it was learned and wise, and one whom I love; yet a bill to be offered and inforced in this sort, being of such effect, I know not how to allow of it. For her maj. had straitly forbidden to meddle in such cases; yet not forgetting the cause, she had, in her excellent wisdom, cared and intended that a redress should be had of things that are amiss. To which end her maj. before the parl. summoned, had directed her letters to the abps. to certify her. Now her highness's care for our good shall be prevented, by our hasty speaking of these things before our time. Sure it is not fit, and her maj. cannot but be offended at it. For the bill, I protest, I know it not; but it seemeth to contain things needful. Wherefore it were fittest it should be commended to her maj. and so recommended unto us. And if I may do this office and service for the house, I will in all dutiful love and service do it. But if the other course be taken, I fear the things sought will be denied for the violence used in it."

Mr. *Speaker* said, "In favour and free-love, above my merits or desert, you have elected me, which should bind me to do all my best service, and to be faithful toward you. This bill delivered me is long, and containeth important matters of great weight, and such matters as cannot be expressed in few words. It hath many parts, and if you put me presently to open it, I cannot so readily understand it, and do it as I should; for indeed it is a matter far above my ordinary practice: and to deliver a thing before I conceive it, I could not. Wherefore, if it would please you to give me leave to consider of it, I protest, I will be faithful, and keep it with all secrecy." Hereupon the house was in question, whether it should be committed to the Speaker only, or to the Privy-Council and him: but it was holden to be against the order of the house, that any bill should be committed before it was read. Therefore, upon a motion made by mr. Wroth, it was agreed, that mr. Speaker should have it.

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*Debate on the Bill relating to Recusants.*] The same day, in a debate on the bill relating to Recusants, Mr. *Nath. Bacon* said, "The children might not be committed to the bp. of the diocese, because their chancellors are so much affected to the canon law, that some are infected with Popish religion. Besides, the office of bps. is to preach; and this duty in the one calling should not be hindered by other affairs committed to their care. Wherefore fitter it is, that the justices of assize should have the appointment of them."

Sir *Edw. Stafford.* "It may be the party is enemy to him to whom the child is committed, therefore the commitment ought to be by 2 or 3."

Mr. *Wroth* said, "The law hath no proviso for leases, nor remedy is appointed, as by the distress or otherwise, how the guardian is to come by the money appointed to him for the custody of the child of a Recusant. And it were fit to make a proviso that no party, being next heir to the child, should be his guardian. And the recusant not to forfeit 10l. a month for the keeping of his wife; otherwise for keeping of servants recusants." After all these speeches, it was agreed to commit the bill to all of the privy council and many other members.

*Further Debate on the Supply.*] Feb. 28, Mr. *Chanc. of the Exchequer* reported from the committee, that they had considered of the Supply, and had agreed that 2 entire Subsidies, and four 15ths and 10ths, should be granted to her maj. if the house should think fit. Upon which the question was put, and it was agreed by the whole house that the said supply should be granted. Then mr. Nath. Bacon, one of the committee, informed the house that it was also agreed by them, That the present necessities of the state, moving them to grant the said double taxes, might be entered in the bill.

Sir *Henry Knivett* spoke next, "Allowing the Subsidies, but withal desired these things: 1st, that it might be lawful for every subject to annoy the king of Spain that would, that weak forces might not be spent against him, but a royal army. That we should not wrestle with him on our own ground, but abroad. Further, that all her maj.'s debtors might be called in, and her maj. to have power to sell all the debtors lands, of what estate soever they were seized of. No steward or commissioner but to answer her maj. the royal fines and sums they received. All her woods to be viewed, and the great timber to be for sale, the copy-wood to be sold to encrease the revenues. Licences granted to any to have benefit of penal statutes, to be taken in; and the whole benefit of inns and alehouses to come to the queen. By this new statute against recusants, their children to be committed to persons of sound religion. The whole benefit of their relief and living to come to the queen, deducting only charges for education of children."

Serjeant *Harris* agreed on the Subsidy, "Because parliaments were seldom, whereas by the statute 4 Edw. III. they may be called every year. The Subsidies to be granted to maintain wars; but whether it be war or no war; as yet we know not: and the things which we take from the Spaniard is doubted by many not to be lawful prize. Therefore desires in the Subsidies to have it set down, that those Subsidies be to maintain a war impulsive and defensive against the Spaniard."

Sir *Walter Raleigh* agreed in all things with the serjeant, and said, "He knew many that held it not lawful in conscience, as the time is, to take from the Spaniards; and he knew, that if it might be lawful and open war, there would be more voluntary hands to fight against the Spaniard, than the queen should stand in need of to send to sea."

After the former and other like speeches, in which also some had moved, that to make the wars against the king of Spain and his subjects lawful and warrantable, it should be inserted into the preamble of the said bill, '[That so great and extraordinary Supply was at this time given for the resisting of his power, and preventing of his malice,]' it was ordered, "That a committee, consisting of all the serjeants at law, and several other members, be appointed to draw the articles and preamble of the said bill accordingly; to the end the same being considered of afterwards by this house, may be delivered by mr. Speaker to her maj.'s learned counsel, for the framing and drawing of the said bill." Notwithstanding all this, the house went on but slowly in the matter; occasioned by an affair of another nature, which will appear in the sequel.

*Message from the Lords to hasten the Supply.*] March 1st, the House was informed that two messengers from the Lords attended at the door. After being let in, they acquainted the House, "That their lordships had sent them, to put this house in mind of what the lord keeper had intimated in his speech, on the first day of this parl. concerning the necessities of the state, and provision of money to be made against the great and imminent danger this realm was threatened with from its mighty enemies. That their lordships expected to have heard from the Commons, about this matter, before this time; and therefore had omitted to do any thing in it themselves. But now they desired this house would appoint a Committee, to confer with their lordships about this business, according to the ancient and laudable usage of both houses." On which message a Committee was appointed accordingly, who were to confer with a certain number of the lords that afternoon.

March 2, Sir *Robert Cecill*, one of the Committee appointed by this House for conference with the Committee of the Lords, shewed, "That he and the residue of the committees of this house did yesterday, in the afternoon, repair unto the said committees of the Lords at the place appointed, where the lord trea-

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surer, in the name of the residue of the said committee of the Lords, shewed unto the committee of this House, the great and present need of provision of treasure to be employed for the defence of the realm, against the invasion of the great and mighty enemies unto this realm and state; and shewing further, that the double Subsidy and 15ths and 10ths lastly granted unto her maj. amounting but unto two hundred and fourscore thousand pounds, her maj. hath nevertheless, in these defensive wars, expended of her own treasure alone, ten hundred and thirty thousand pounds since the time of the granting of the said double Subsidy, and of the said 15ths and 10ths. And that therefore their lordships, weighing the great present necessity of greater and more speedy Supply of treasure to be had than 2 entire Subsidies and four 15ths, do negatively affirm, that their lordships will not give, in any wise, their assents to pass any act in their house of less than 3 entire Subsidies, to be paid in the 3 next years, at two payments in every of the same years; the 1st to begin soon after the next Easter, and the 2nd soon after the next Michaelmas, and so yearly after Easter and Michaelmas during the said 3 years. And that as to what proportion of Benevolence, or unto how much their lordships would give their assents in that behalf, they would not as then shew unto the said Committee of this House. But insisting for conference again to be had, he further urged, that this House might be moved to yield a greater Supply. To which end he alledged, that the usual late Subsidies were very small, and were also imposed, for the most part, upon the meaner sort of her maj.'s subjects; declaring, that he knew one shire of this realm, wherein there were many men of good living and countenance, but none of them, in the said last Subsidies, assessed at above fourscore pound lands per annum. And that in the city of London also, where the greatest part of the riches of the realm are, there was no one assessed at above 200l. goods a man, and that not yet past above 4 or 5 such." Which speech, in effect, being ended, "He, in conclusion, referred the further consideration thereof to the gravity of the house."

Mr. *Francis Bacon* spoke next. "He yielded to the Subsidy, but misliked that this house should join with the upper house in the granting of it. For the custom and privilege of this house hath always been, first to make offer of the Subsidies from hence, then to the upper house; except it were that they present a bill unto this house, with desire of our assent thereto, and then to send it up again. And reason it is, that we should stand upon our privilege, seeing the burthen resteth upon us, as the greatest number; nor is it reason the thanks should be theirs. And in joining with them in this motion, we shall derogate from ours? for the thanks will be theirs, and the blame ours, they being the first movers.—Wherefore I wish, that, in this action, we should proceed, as heretofore we have done, apart by ourselves, and not join with their lordships. And to satisfy them, who expect an answer from us to-morrow, some answer should be made in obsequious and dutiful manner." Then out of his bosom he drew an Answer, framed by himself, to this effect; "That they had considered of their lordships motion, and thought upon it as was fit; and, in all willingness, would address themselves to do as so great a cause deserved. To join with them, he said, he could not, but with prejudice to the privilege of the said house. Wherefore he desired, as they were wont, so that now they might proceed herein by themselves, apart from their Lordships; and that they might do it without discontent. To this purpose he cited a precedent in Hen. VIIIth's time (see p. 485,) where cardinal Wolsey came down into the House of Commons, and informed them what necessity there was of a Subsidy; and that thereupon the House took it to consideration, apart by themselves, and at large granted it. By which it sould seem that he did infer, that the Lords might indeed give notice unto the said House of Commons, what need or danger there was, but ought not to prescribe them what to give, as at the meeting of the Committee the lord treasurer had done."

Whereupon the House ordered, that the former Committee should meet again in the afternoon. And being met accordingly, great part thereof was spent in arguing what the matter was which was referred unto them by the house; whether a Subsidy should be yielded, and that signified for an answer from them to the Lords: or whether the Committee were only to consider of an Answer according to mr. Bacon's motion, "That this house would alone, by themselves, consider of the Subsidy, without joining." These following spake for the Subsidy, especially enforcing the necessity of it:

Sir *Wm. Moore* shewed, first, "That her maj. had more cause to have the Subsidy than had Hen. VIII. Edw. VI. or Mary; for Henry's wars continued not, though they were violent for the time. His wars were impulsive and not defensive. He had the suppression of all the abbies, a matter of great riches unto him. He had a Benevolence, and then a Subsidy, paid within 3 months. Edw. VI. had chantries, and all the church-plate, for relief, paid him. Mary had a relief paid her, which she never repaid. But her maj. that now is, hath been a continual defence of her own realm and her neighbour's kingdoms, England, Ireland, France, and the Low Countries; yet hath she repaid the loans, and had not such helps."

Sir *George Carey* said, "I speak for the Subsidy, (first answering one that had said, 'We must regard them and their estates for whom we are here') saying, he regarded and came for them as was meet; and they will more thank us for taking somewhat from them,



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than if we should abandon them and leave them and all that they have to the spoil of the enemy; which will be, if, with our forces, we provide not to withstand them. For imminent dangers hang over our heads, and are intended to us this summer. The Spaniard already hath sent 7000 pistoles of gold into Scotland, to corrupt the nobility; and, to the king, 20,000 crowns now lately were dispatched, out of France, into Scotland, for the levying of 3000, which the Scottish lords have promised; and the king of Spain will levy 30,000 more, and give them all pay. Her maj. is determined to send sir Francis Drake to sea, to encounter them with a great navy. Wherefore this our danger is to be prevented, and those her maj.'s infinite charges by us to be supplied."

Sir *Walter Raleigh* spake for the Subsidy, not only (as he protested) to please the queen, to whom he was infinitely bound above his deserts, but for the necessity he both saw and knew. "He very well discovered the great strength of the king of Spain. And, to shew his mightiness, he told how he possessed all the world. As also, that his malice and ill purpose was evident to this realm: he shewed how, on every side, he had beleaguered us.—In Denmark, the king being young, he had corrupted the council and nobility, so as he was very like to speed himself of shipping from thence. In the marine towns of the Low Countries, and in Norway, he laid in great store of shipping. In France he had the parliament towns at his command. In Britany he had all the best havens. And in Scotland he had so corrupted the nobility, that he had promised them forces to re-establish Papistry. That they were ready to join with any foreign forces that would make them strong, to be by themselves, and to resist others. For, as he thought there were not six gentlemen of that country of one religion. In his own country there is all possible repairing, and he is coming with 60 gallies, besides other shipping, with purpose to annoy us. We must then have no ships (if he invade us) riding at anchor; all will be little enough to withstand him. At his coming, he fully determineth to get Plymouth, or at least to possess some of the havens, this summer, within our land. And Plymouth is a place of most danger, for no ordnance can be carried thither to remove him; the passages will not give leave. Now the way to defeat him is this: to send a royal army to supplant him in Britany, and to possess ourselves there; and to send a strong navy to sea, and to lie with it upon the Cape and such places as his ships bring his riches to, that they may set upon all that come. This we are able to do, and undoubtedly with fortunate success, if we undertake it."—The Committee for considering of an Answer to be given to the Lords, on their last message, came to this resolution, "That it was the opinion of the majority to grant another conference with the Lords, if the House should think fit." But,

Mr. *Wroth*, one of the said committee, stood up and said, "That he dissented from the question, and neither gave his assent in the committee, nor would now do it, that any conference should be had with the lords in this case. For, that, in his opinion, the same would be very prejudicial to the ancient liberties and privileges of this house, and to its authority."

Mr. *Beale* seconded him, "He insisted upon their maintenance of the usual and ancient liberties and privileges of this House in treating of subsidies, contributions, and other like benevolences, among themselves; without any conference therein at all had or used with the Lords: and gave an instance of a former precedent in the like case; and offered to shew that the same precedent to this House, was followed in the 9th Hen. IV. The two houses being divided about the Subsidy, and the higher house desiring a greater Subsidy than was granted by the lower house; hereupon 12, that were sent as committees to the lords, came down, and informed what was desired by the upper house; namely a greater Subsidy; and, to that end, conference to be had with them of the Commons. The commons thought themselves grieved therewith, and so returned their answer, That they would consider what was meet to be done in so general a matter, but thought the conference a derogation to the privilege of the house. Hereupon the king answered, That he could not, neither was it fit to violate the privilege of his Commons, but in all things he thought it just to prefer them."—The court party were very earnest for this conference; and thereupon

Sir *Robert Cecil* spoke again. "He put the house in mind of the great and urgent necessity, for the speedy prevention and avoiding of the great and imminent perils and dangers of this realm and state, to be effected both by consultation and also by provision of treasure; and thinketh good that conference of this house were had with the Lords, as a matter very behoofful: especially for that their lordships, some of them being of her maj.'s privy council, do know both the purposes and strength of the enemies on the one side, and also her maj.'s present store of treasure, more or less, on the other side, much better than those of this house do. Resolveth, for his own opinion, still to give his consent, That conference be had therein with the Lords, by the committees of this house; according to their lordship's said former motion and request for the same."

Sir *Wm. Brunker* stood up, and, "He reciting the said great present necessity of consultation and provision, and that it cannot be otherwise, but that the proportion of convenient supply of treasure, answerable to the greatness of the dangers which are imminent, must needs require a greater mass of treasure to be had, than hath been as yet treated of in any resolution by this house."—Then the Speaker put the question, For a Conference or not? And, on a division of the house, it

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was carried, in the negative, 217 against 128. —After this, it was thought proper to appoint a Committee to wait upon the Lords, and acquaint them with their last Resolution, in as soft terms as possible. Who, returning, made report, "That their lordships well hoped that this house would have granted their request. However, they desired the Commons to take due care for a speedy and a proper Supply, according to the pressing necessity of the state: and to see these precedents on which the conference was denied. But this matter was again resumed the next day, when

Mr. *Beale* stood up and desired to satisfy the house, "By reason it was conceived by the Lords the other day, that upon his motion, and by his precedent shewed, the house was led to deny a conference with the lords, he acknowledged he had mistaken the question propounded. For there being but a conference desired by the Lords, and no confirming of any thing they had done, he thought we might, and it was fit we should confer. And to this end only, he shewed the precedent, that in the 9th of Hen. IV. the Commons having granted a Subsidy, which the Lords thought too little, and they agreed to a greater, and would have the Commons to confirm that which they had done; this the Commons thought they could not do without prejudice to this house. Wherefore he acknowledged himself mistaken in the question, and desired if any were led by him, to be satisfied, for that he would have been of another opinion if he had conceived the matter as it was meant."

Sir *Tho. Heneage* "propounded the question anew, and thought that with the privilege of the house, and by precedents to be shewed, there had been conference with the Lords used upon the like motion."

Sir *John Wolley* thought, "That the former denial grew upon mistaking of the question, and upon better consideration would have the matter reversed, and now to assent to that which was denied before."

Sir *Hen. Knivett* moved, "That for the freedom of the house, it might be concluded amongst them, a matter answerable at the bar, for any man to report any thing of any speech used, or matters done in this house."

Sir *Hen. Upton* spake "in defence of the former proceedings of the house, and shewed how it had proceeded; 1st, agreeing to a double subsidy and four 15ths; this being offered, and the lords thinking it seemed little, and considering the present necessity, the lack of payment of subsidies, and the true rating of subsidies over that they were wont to be, they desired a Conference with the Lower House, giving reasons of great importance for a greater aid; and they gave us a taste of what was needful, as 3 Subsidies at the least; and upon those great causes desired a conference the next day. This being delivered unto the house by one of the committees sent to the Lords, the house upon consideration thought it not to stand with their privilege to confer with their lordships in matter of subsidies, because it was the liberty of the house to make offer themselves to her maj. And in regard it stood not with the privilege of this House to confer with the Lords, hereupon they advise upon an answer to be made unto the Lords, wherein they should give them thanks that they had vouchsafed to confer with them of this House; but shewed, that with the privilege of the house they could not have conference with them in matter of Subsidy.—Further he thought the House much injured, that they should be reported to be against the Subsidy; and the parties injured, who speaking the last day against the Subsidy, their names were given up, and were noted for it to the queen.—And now my motion is, that we must confer with the Lords upon the Subsidy, but not in any sort to be conformed therein unto them. And for that occasion past, he desired that mr. Speaker might be sent and report the truth of the whole matter and manner of our proceedings."

Sir *Robert Cecil* said, "I desire now I may be somewhat long, because I must include an answer to 3 speeches. Those 2 hon. persons that sit above, the one of them declared the true state of the question, the other what was fit we should do. But my answer shall tend only to those tales that followed. The 1st was a kind of satisfaction for a former mistaking; but in the same satisfaction, a new mistaking was also; which was by way of information, casting it into the house, that the queen should seem to demand 3 Subsidies. Now the queen never demanded 3, nor 1. So there is a new mistaking added to the former satisfaction.—The 2nd man's motion thus far I allow, That the counsel of this house be secretly kept, and that nothing be reported *in malam partem:* but if his meaning be, that we may not impart any thing that is done here unto the queen, but that all things must be secret from her, I am altogether against it. This only I should desire, what ought to be observed, That nothing ought to be reported unto her *in malam partem.*—The 3rd man's motion consisted of 3 points. The 1st was news, the 2nd was history, and the 3d and last a motion. His news was, that men's names were given up to the queen. This was news. For I heard it not before. The history was a large report of the progress of this matter. His motion was, that we should confer with the Lords about a Subsidy, but not conclude a Subsidy with them. His manner seems contrary to his meaning, or else is more than ever was meant; for it was never desired of us by the lords, that we should confer with them about a Subsidy."

Sir *Walter Raleigh* spake next and moved, "That seing the division of the house the last day grew, as he conceived, upon the mistaking of the question; and that since some had reported unto him, that had the question been propounded, Whether they should only

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yield to a conference in general with the Lords, they would not have been against it; therefore he desired mr. Speaker to put it to the question, Whether they should confer with the Lords generally or not, without naming a Subsidy?" This motion being well liked, sir Walter was desired by the house, to repeat it again, that so it might be the better heard of them all. And thereupon he said, "That touching the aforesaid question which had received a *No* upon Saturday last, he would not make it a question again, for by the order of the house he could not; but propounded this for a new question in these or the like words, Whether the house would be pleased to have general conference with the Lords, touching the great and imminent dangers of the realm and state, and the present necessary supply of treasure to be provided speedily for the same, according to the proportion of the necessity?" Which said question being propounded unto the house, it was assented unto accordingly by them all without any negative voice.

Whereupon the former committee, appointed for conference with the Lords, were presently sent up to acquaint their lordships of this last resolution. Who appointed the next day for the conference. On that day, before the meeting, the Commons went upon this affair again; and, after many more speeches and altercations, a subsequent resolution was agreed to by the whole house; That their committee should have authority to confer with that of the Lords, in a general way, concerning dangers and remedies to be provided against: but not in any way to conclude or resolve on any thing in the said conference, particularly; without the farther privity and assent of the whole house, on the report to be made to them of their proceedings. One of the speeches, made on the occasion of this resolution, is too remarkable to be omitted.

Mr. *Fulk Grevile* said, "There are two scruples in this house, which I would gladly satify; the one the Privilege of the house, the other the Poverty of the people. For precedents they are but examples of things past. Now every example ought to be stronger than the thing we fear: for if the thing be otherwise, and our necessity greater, the former doings are no rules to us. And so precedents as they are not to be rejected, so they ought not to be eternal. For the poverty of our country, we have no reason to think it poor; our sumptuousness in apparel, in plate, and in all things, argueth our riches. And our dearth of every thing amongst us, sheweth plenty of money. But, it is said, our countries are poor, and we must respect them that sent us hither. Why, so we must also remember who called us hither. This cause is hard; for there is necessity against necessity, danger against danger, and inward discontent against outward forces. The poor are grieved by being overcharged; this must be helped by increasing our own burthen; for otherwise the weak feet will complain of too heavy a body; that is to be feared. If the feet knew their strength as well as we know their oppression, they would not bear as they do. But to answer them, it sufficeth that the time requireth it: and in a prince power will command. To satisfy them, they cannot think we overcharge them, when we charge ourselves with them and above them: but if nothing will satisfy them, our doings are sufficient to bind them. If the multitudes of parliaments be remembered heretofore, many subsidies now in one parl. cannot seem burthensome. The more laws we make, the less liberty we have to ourselves. And now one word for myself, if my speech hath offended, excuse me, I will not often trouble you hereafter."

It was not till the 22d day of March, that the Commons brought the matter to a conclusion; and then the bill for a Grant of 3 entire Subsidies and six 15ths and 10ths, was read a third time and passed upon the question.

*A Message from the Queen, by the Speaker, forbidding the Commons to meddle with the State or the Church.*] Feb. 27, the day after the Supply was moved for, mr. Morrice, attorney of the court of wards, a place under the crown, stood up and moved the house touching the abuses of the Ecclesiastical Courts: the bill was after debate delivered to the Speaker's care, to prevent giving offence to the queen: but the matter did not rest here; for, in the afternoon of the same day the Speaker was sent for to court; and, on the next, he stood up and said, he had a Message to deliver from her Majesty to the House; which he gave in these words:

"Yesterday a great member of this house, after a speech used, and his reasons laid forth, delivered two bills unto me; which bills, though not being read, yet were diversely spoken of. They being long, and the matters grave and of great importance, and the day being almost spent, I desired further time to consider of these bills. I humbly thank this hon. house, time was granted me freely, it being almost 12 of the clock. I have perused and read both of the bills; I have them about me, and they have been continually with me ever since they were delivered to me; never any man saw them, nor ever any man's eye more than my own ever saw one word of them. A little after I had perused the bills, I was sent for by a special messenger from her maj.: coming in her royal presence, I was commanded to deliver these words from her most excellent maj. unto the body of the realm (for so she termed this house:) the matter I have to speak is great, yea, it is the greatest matter I ever had to deal in; wherefore I pray God direct *Mentem et linguam hanc.* I must be short, for her maj.'s words were not many; and I may perhaps fail in the delivery of them: for though my auditors be great, yet who is so impudent that the presence of such a maj. would not appale him? And it did greatly fear me, when I did see none of these hon.

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persons, in her presence, who were present at the holding of the matter in this house; yet so God in his providence had appointed it, that even in this while came in some of the persons here present, who, if I fail in delivering what was given me in charge, can report it unto you: and I am glad that there are witnesses with me in this action, what was my faithful service for the house. I protest a greater comfort never befel me, than that this my integrity and faithful promise to this house, is not violated; for her maj. in her most gracious wisdom, before my coming, determined not to press me in this, neither indeed did she require the bill of me; for this only she required of me, 'What were the things spoken of by the house?' which points I only delivered, as they that heard me can tell. The Message delivered me from her maj. consisteth of 3 things; 1st, the End for which the parl. was called. 2dly, the Speech which her maj. used by my lord keeper. 3dly, what her Pleasure and Commandment now is. For the 1st, 'It is in me and my power' (I speak now in her maj.'s person) 'to call parliaments; and it is in my power to end and determine the same; it is in my power to assent or dissent to any thing done in parl.' The calling of this parl. was only that the maj. of God might be more religiously served; and those that neglect this service might be compelled by some sharper means to a more due obedience, and more true service of God, than there hath been hitherto used. And further, that the safety of her maj.'s person, and of the realm, might be by all means provided for against our great enemies the Pope and the king of Spain. Her maj.'s most excellent pleasure being then delivered unto us by the lord-keeper, it was not meant we should meddle with Matters of State, or in causes Ecclesiastical; (for so her maj. termed them.) She wondered 'that any would be of so high Commandment to attempt' (I use her own words) 'a thing contrary to that which she hath so expressly forbidden;' wherefore, with this she was highly displeased. And because the words, then spoken by my lord-keeper, are not now perhaps well remembered, or some be now here, that were not there; her maj.'s present charge and express command is, 'That no bills touching matters of State, or reformation in causes Ecclesiastical, be exhibited.' And, upon my allegiance, I am commanded, if any such bill be exhibited, not to read it."—Thus the bill was quashed, and mr. Morrice, the mover of it, being also sent for to court, the same day he was committed to the custody of sir John Fortescue, chanc. of the exchequer.

*The Speaker's Speech to the Queen at the Close of the Session.*] April 10, the Queen came to the House of Lords; and the Commons being called up, the Speaker, on delivering the bills, made the following most elaborate Speech on the Dignity and Antiquity of Parliaments:—"The high court of parl. most high and mighty prince, is the greatest and most ancient court within this your realm. For before the Conquest in the high places of the West-Saxons, we read of a parl. holden; and since the Conquest they have been holden by all your noble predecessors kings of England.—In the time of the West-Saxons a parl. was holden by the noble king Ina, by these words: 'I, Ina, king of the West-Saxons, have caused all my Fatherhood, Aldermen and wisest Commons, with the godly men of my kingdom, to consult of weighty matters, &c.' Which words do plainly shew all the parts of this high court still observed to this day. For by king Ina is your maj.'s most royal person represented. The Fatherhood, in ancient time, were these which we call bps. and still we call them rev. Fathers, an ancient and chief part of our state.—By Aldermen were meant your noblemen. For so honourable was the word Alderman in ancient time, that the nobility only were called Aldermen.—By Wisest Commons is meant and signified knights and burgesses, and so is your maj.'s writ 'de discretioribus & magis sufficientibus.'—By Godliest Men is meant your convocation-house.' It consisteth of such as are devoted to religion. And as godliest men do consult of weightiest matters, so is your highness's writ at this day 'pro quibusdam arduis & urgentibus negotiis, nos, statum & defensionem regni nostri & ecclesiæ tangentibus.'—Your highness's wisdom and exceeding judgment with all-careful Providence needed not our councils: but yet so urgent causes there were of this parl. so important considerations, as that we may say (for that we cannot judge) never parl. was so needful as now, nor any so honourable as this. If I may be bold to say it, I must presume to say that which hath been often said (but what is well said cannot be too often spoken) this sweet council of ours I would compare to that sweet Commonwealth of the little bees:

'Sic enim parvis componere magna solebam.' The little bees have but one governor whom they all serve, he is their king, 'quia latera habet latiora;' he is placed in the midst of their habitations, 'ut in tutissima turri.' They forage abroad, sucking honey from every flower to bring to their king. 'Ignavum fucos pecus à præsepibus arcent.' The drones they drive away out of their hives, 'non habentes aculeos.' And whoso assails their king, in him 'immittunt aculeos, & tamen rex ipse est sine aculeo.'—Your maj. is that princely governor and noble queen, whom we all serve; being protected under the shadow of your wings we live, and wish you may ever sit upon your throne over us. And whosoever shall not say Amen, for them we pray 'ut convertantur ne pereant, & ut confundantur ne noceant.' Under your happy govt. we live upon honey, we suck upon every sweet flower: but where the bee sucketh honey, there also the spider draweth poison. Some such venoms there be. But such drones and door bees we will expel the hive and serve your maj. and withstand any enemy that shall assault you. Our lands, our goods, our lives

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are prostrate at your feet to be commanded. Yea, and (thanked be God, and honour be to your maj. for it) such is the power and force of your subjects, that of their own strength they are able to encounter your greatest enemies. And though we be such, yet have we a prince that is 'sine aculeo;' so full of that clemency is your maj. I fear I have been too long, and therefore to come now to your Laws. —The Laws we have conferred upon this session of so honourable a parl. are of two natures; the one such as have life but are ready to die, except your maj. breathe life into them again; the other are laws that never had life, but, being void of life, do come to your maj. to seek life.—The first sort are those laws that had continuances until this parl. and are now to receive new life or are to die for ever. The other, that I term capable of life, are those which are newly made, but have no essence until your maj. giveth them life.—Two laws there are, but I must give the honour where it is due; for they come from the noble wise Lords of the upper house; the most hon. and beneficial laws that could be desired: the one a Confirmation of all Letters Patents, from your maj.'s most noble father, of all Ecclesiastical Livings, which that king took from those superstitious monasteries and priories, and translated them to the erecting and setting up of many foundations of Cathedral Churches and Colleges, greatly furthering the maintenance of learning and true religion.—The other law to suppress the obstinate Recusant and the dangerous sectary, both very pernicious to your govt.—Lastly, your loving and obedient subjects, the Commons of the lower house, humbly and with all dutiful thanks, stand bound unto your gracious goodness for your general and large Pardon granted unto them, wherein many great offences are pardoned. But it extendeth only to offences done before the parl. I have many ways, since the beginning of this parl. by ignorance and insufficiency to perform that which I should have done, offended your maj.; I therefore most humbly crave to be partaker of your maj.'s most gracious pardon."

*The Lord Keeper's Answer.*] The *Lord Keeper* having received instructions from the Queen, answered the Speaker to the following effect:—"That her maj. did most graciously accept of these services and devotions of this parl.; commending them that they had employed the time so well and spent it in so necessary affairs, save only that in some things they had spent more time than needed. But she perceived that some men did it more for their satisfaction than the necessity of the thing deserved. She misliked also that such irreverence was shewed towards privy counsellors, who were not to be accounted as common knights and burgesses of the house, that are counsellors only during the parl.; whereas the other are standing counsellors, and for their wisdom and great service are called to the council of the state.—That the Queen had heard that some men in the cause of great necessity, and grant of aid, had seemed to regard their country, and made their necessity more than it was; forgetting the urgent necessity of the time, and dangers that were now imminent. —That her maj. would not have the people feared with a report of great dangers, but rather to be encouraged with boldness against the enemies of the state. And that therefore she straitly charged and commanded that the mustered companies in every shire should be supplied, if they were decayed: and that their provisions of armour and munition should be better than heretofore it hath been used.—That for this offer of 3 Subsidies, her maj. most graciously, in all kindness, thanketh her subjects: but except it were freely and willingly given, she did not accept of it; for her maj. never accepteth any thing that is not freely given.—That if the coffers of her maj.'s treasures were not empty, or if the revenues of the crown and other princely ornaments could suffice to supply her wants and the charges of the realm, on the word of a prince she doth pronounce it, she would not have charged her subjects, nor have accepted of this they give her."

*The Queen's Speech on dissolving the Parl.*] Then, after some little intermission, the Queen, being set in her Chair of State, spoke as follows:—"This kingdom hath had many wise, noble, and victorious princes, I will not compare with any of them in wisdom, fortitude, and other virtues; but saving the duty of a child, that is not to compare with his father, in love, care, sincerity, and justice, I will compare with any prince that ever you had, or shall have. It may be thought simplicity in me, that all this time of my reign I have not sought to advance my territories, and enlarge my dominions; for opportunity hath served me to do it. I acknowledge my womanhood and weakness in that respect. But it hath not been the hardness to obtain, or doubt how to keep the things so obtained, that only hath withheld me from these attempts: my mind was never to invade my neighbours, or to usurp over any. I am contented to reign over my own, and to rule as a just prince. Yet the king of Spain doth challenge me to be the quarreller, and the beginner of all these wars. He doth me the greatest wrong that can be; for my conscience doth not accuse my thoughts, wherein I have done him the least injury; so that I am persuaded in my conscience, if he knew what I know, he would be sorry himself for the wrong he hath done me. I fear not all his threatenings, his great preparations and mighty forces do not stir me: for though he come against me with a greater power than ever was his Invincible Navy, I doubt not but (God assisting me, upon whom I always trust) I shall be able to defeat him and overthrow him: for my cause is just. I heard say, when he first attempted his last invasion, some upon the sea coasts forsook their towns and fled up higher into the country, and left all naked and exposed to his entrance: but I swear unto

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you, by God, if I knew those persons, or may know of any that shall do so hereafter, I will make them know and feel what it is to be so fearful in so urgent a cause.—The Subsidy you give me I accept thankfully, if you give me your good-will with it; but if the necessity of the time and your preservations did not require it, I would refuse it. But let me tell you, the sum is not so much, but that it is needful for a prince to have so much always lying in her coffers for your defence in time of need, and not be driven to get it when she should use it. —You that are lieutenants and gentlemen of command in your countries, I require you to take care and special order, that the people be well armed, and in readiness upon all occasions.—You that be judges and justices of peace, I command and straitly charge you, that you see the laws to be duly executed, and that you make them living laws when we have put life into them."—After this speech ended, and the bills passed, the lord keeper, by her maj.'s command, dissolved this parl.

*A new Parl. called.*] A new parl. was called to meet, at Westminster, on the 24th of Oct. 1597. On the 1st day of the meeting, the Queen being present, the Lord Keeper of the Great Seal, then sir Tho. Egerton, by her maj.'s command, declared the cause of the summons, in these words:

*The Lord Keeper's Speech.*] "The queen's most excellent maj. my most gracious and dread sovereign, hath commanded me to declare unto you, my lords and others here present, the causes which have moved her highness to summon this parl. at this time; which before I can express, I must confess truly, that the royal presence of her maj. the view of your lordships and this hon. assembly, together with the consideration of the weightiness of the service, and of my own weakness, doth much appale me, and cause me to fear. Wherefore, if, either through fear I forget, or through my many wants and imperfections I fail, to perform that duty which is required; I do most humbly crave pardon of her maj. and beseech your lordships to bear with me. The great princely care which her highness now hath, as heretofore she hath ever had, to preserve her kingdoms in peace, and safe from all foreign attempts, hath caused her, at this present, to assemble this hon. and great council of her realm, to advise of the best and most needful means whereby to continue this her peaceable and happy govt. and to withstand the malice of her mighty and implacable enemy; which hitherto, by the space of many years, through her provident and princely wisdom, hath been performed, to the great and inestimable benefit of her subjects, as that the simplest of them could not but see, and the wisest but admire their happiness therein; the whole realm enjoying peace in all security, while our neighbour-countries have been torn in pieces, and tormented with cruel and bloody wars. This her maj. is pleased to ascribe to the great power and infinite mercy of the Almighty: and therefore it shall well become us all, most thankfully, upon the knees of our hearts, to acknowledge no less unto His holy name; who, of his infinite goodness, still preserve her highness, and send her many years more over us, in all happiness, to reign. In this her blessed govt. her highness's chief care and regard of all, hath been of the honour and service of Almighty God, that true religion might be planted and entertained in the hearts of the people, through all the parts of her realm; and as well in that behalf, as for the peace and benefit of her subjects, she hath, from time to time, established many good laws to meet with the disorders, and to punish the offences of wicked and ungodly men; that continuing in their bad ways, they may not be hardened and go forward in their wickedness: for 'Mora in peccato dat incrementum sceleri.' And whereas the number of the Laws already made are very great, some also of them being obsolete and worn out of use; others idle and vain, serving to no purpose: some again over heavy and too severe for the offence; others too loose and slack for the faults they are to punish; and many of them so full of difficulties to be understood, that they cause many controversies: you are therefore to enter into a due consideration of the said laws; and where you find superfluity, to prune and cut off; where defect, to supply; and where ambiguity, to explain; that they be not burthensome, but profitable to the commonwealth which being a service of importance, and very needful to be required, yet is nothing to be regarded, if due means be not had to withstand the malice and force of those professed enemies which seek the destruction of the whole state. This, before all, and above all, is to be thought of, and with most endeavour and care to be provided for: for in vain are laws made, and to little purpose do they serve, be they never so good, if such prevail as go about to make a conquest of the kingdom, and destruction of the people. Wars heretofore were wont to be made either out of ambition to inlarge dominions, or out of revenge to requite injuries; but this against us is not so: in this the holy religion of God is sought to be rooted out, the whole realm to be subdued, and the precious life of her excellent maj. to be taken away; which hitherto, by the powerful hand and great goodness of the Almighty, have been preserved, maugre the Devil, the Pope, the Spanish tyrant, and all the mischievous designs of all her enemies. Wherefore it is high time that this be looked into, and that noway be left unsought, nor means unused, that may serve for defence thereof, her maj. hath not spared to disburse a mass of treasure, and to sell her land for the maintenance of her armies by sea and land, whereby, with such small helps as from her subjects hath been yielded, she hath defended and kept safe her dominions from all such forcible attempts as have been made;

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which being still to be performed by infinite charge, her maj. notwithstanding hears nothing more unwillingly than of Aids and Subsidies to be received from her people; though what she doth receive, she doth carefully bestow, and infinitely more of her own. The taxations at this day, howsoever they seem, are nothing so great as heretofore, in the reigns of former kings, they have been. In the time of Edw. III. and the two next before him, and those three which succeeded next after him, the payments of the Commons then did far exceed any that have been since her maj.'s reign; which is of record in the histories of those times to be seen: but never cause so great to employ great sums of money as now. Now therefore you are to consider how to provide needful and convenient Aid, in some measure to maintain and support her maj.'s charge which at present she is at, and is to continue at, for the defence of the realm. He cannot be well advised, which in this case will not be forward to contribute and bestow whatsoever he hath: for if, with the commonwealth it goes not well, well it cannot be with any private or particular person. That being in danger, he that would seek then to lay up treasure and enrich himself, should be like to him that would busie himself to beautify his house, when the city wherein he dwelleth is on fire; or to him that decketh up his cabin, when the ship wherein he saileth is ready to sink. To spare in that case, is to spare for those which seek to devour all; and to give, is to give to ourselves. Her maj.'s part being only carefully to bestow what is delivered into her hands, wherein, men performing their duties, there is no cause at all to fear: for the war is just; it is in defence of the religion of God, of our most gracious sovereign, of our native country, of our wives, children, liberties, lands, lives, and whatsoever we have. Wherefore, not mistrusting your forwardness, that I may not offend in too much enlarging this point, as a poor remembrancer to her maj. I shortly say to your lordships, 'Quod justum et necessarium est;' nothing can be more just than this war; nothing ought to be more necessary, than carefully to provide due maintenance for the same. And, to you of the house of commons, that you may orderly proceed, and wisely consult of these weighty causes delivered unto you, her maj.'s pleasure is, you should, according to your accustomed manner, go down to the Lower house, and there make choice of some grave, learned, and wise man amongst you, to be your Speaker; who shall be for understanding sufficient, and in discretion fit, as your mouth, to signify your minds, and to make your petitions known unto her highness; and him, upon Thursday next, to present in this place."

*Christopher Yelverton, esq. elected Speaker.*] On the said day, Oct. 27, the Commons presented mr. serjeant Yelverton as their Speaker, who claiming the ancient and usual freedom of speech, access, &c. was answered by the lord keeper, that her maj. did give her assent to it; with admonition, however, that the said liberties and privileges should be discreetly and wisely used, as was meet.

*Proceeding in the Case of Lord De la Ware, as to Precedency, &c.*] There was the greatest introduction of new bps. and lords to this parl. that we have yet met with at one time. The very first day there were no less than one abp. four earls, ten bps. and five barons introduced; besides the lord De la Ware, who put in his Claim for the Seat his ancestors enjoyed in parl. His Petition was referred to a committee of lords appointed for that purpose, to examine into his pretensions and make their report to the house accordingly. This lord's father had attempted to poison his uncle, the then lord La Ware, in expectation of his estate; and was, by an order of parl. in the reign of Edw. VI. excluded from any estate or honour that might come to him after his uncle's death. The said Wm. was also condemned for treason in Mary's reign; but afterwards his attainder taken off as if he had never been arraigned. But, whereas, by reason of the former sentence, he could not by law enjoy the honour of his ancestors, he was, by this queen's special favour, created lord La Ware, by a new patent, and as long as he lived claimed precedency according to the date of his creation. The queen referred the whole matter to the lords in parl.; who, finding that the former sentence concerned only the person of the said Wm. and that his children were no ways involved in the same, and that the attainder in Mary's reign was no manner of bar, because it was impossible for him to lose a title which he never had, besides, that he was afterwards fully and entirely restored, and the ancient dignity no way extinct by the new creation, but only laid aside in his life-time, because he was not in possession of it when he received his new patent. For all these reasons, he was adjudged by the lords to hold the same rank with his predecessors, betwixt the lord Willoughby of Eresby and the lord Berkley; and he was accordingly reinstated with the usual ceremonies, and an entry was made in the Lords Journals of this Award.

*Lords' Journal to be authenticated.*] The same day the Lord Treasurer made a motion, "That forasmuch as the Journal-Books kept heretofore, by the clerks of parl. seemed to have some errors in them in the misplacing of the Lords, it was doubted how the same might be of true record. Therefore he thought proper that the lords would please to take order that the said books, which henceforth should be kept by the clerk of parl. may be viewed and perused every parl. by certain lords of that house to be appointed for that purpose, and the list of the lords, in their order, to be subscribed by them. Taking unto them for their better information, the king at arms; and that this order might begin this present parl." On another motion of the Lord Treasurer, such lords as were absent from parl. and had not

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sent their proxies, and such others as made their appearance in the beginning of the parl. and have not since attended, should be admonished to reform the same.

The first bill of consequence we meet with, is intituled, 'An act for the increase of Mariners and maintaining of Navigation.' This act, which is still extant in our Statute-Books, shews what care the legislature then took to support and maintain the navy of England. Nor were they less careful to preserve peace at home, by bringing in a bill, this parl. for erecting of Houses of Correction, and for the punishment of rogues, vagabonds and sturdy beggars. Which is the first time those houses were established in every county by law. These and some other bills for the relief of the poor, by erecting of Hospitals and Workhouses in parishes, the endowments of which were not to exceed 200l. per annum; for the maintenance of Tillage and Husbandry; for preventing of Frauds by the receivers, collectors, &c. of the public money; and for preventing or punishing extortion, rapes, and taking away women against their wills; for the encouragement of the Woollen Manufactory, and to prevent the deceitful stretching and tentering of northern cloth, &c. were passed this session, and are in the printed statutes.

*A large Subsidy granted.*] Dec. 16, was passed in the Lords, 'An act for a Grant of 3 entire Subsidies and six 15ths and 10ths to the queen's maj.' The bill had been brought into the Commons on the 7th, and passed there on the 14th. This large supply they said was given to her, as a compliment, 'for her maj.'s wise administration; for restoring religion to a better state; for the security of the kingdom from the common enemy; for the defence of Ireland, and the relief of France and the Netherlands. But, intreated her withal, as they had done in the last parl. not to advance this special instance of their bounty into a precedent, but only upon such pressing necessities of the state.' The Clergy were more moderate this time, giving only 4s. in the pound, to be paid at 6 several payments.

Dec. the 20th, the lord keeper adjourned the parl. to the 11th of Jan. next coming. Some less matters relating to Breaches of Privilege and Forms of managing Committees of both houses, on a Conference, are entered this session in the Journals of the Lords; nothing else of any moment occurred, but what will fall better in our account of the proceedings of the Commons during this parl. to which we now come.

*Serjeant Yelverton's Excuse, on being chosen Speaker.*] On the first day of their meeting, serj. Yelverton having been nominated by sir Wm. Knolles, comptroller of her maj.'s household, as a fit man for that office; the said serjeant stood up, and urged his disabilities in too remarkable a manner to be omitted.—"Whence your unexpected choice of me to be your mouth or Speaker should proceed, I am utterly ignorant. If from my merits, strange it were that so few deserts should purchase, suddenly, so great an honour. Nor from my ability doth this your choice proceed; for well known it is to a great number in this place now assembled, that my estate is nothing correspondent for the maintenance of this dignity: for my father, dying, left me a younger brother, and nothing to me but my bare annuity. Then growing to man's estate and some small practice of the law, I took a wife, by whom I have had many children, the keeping of us all being a great impoverishment to my estate, and the daily living of us all nothing but my daily industry. Neither from my person nor nature doth this choice arise; for he that supplieth this place ought to be a man big and comely, stately and well spoken, his voice great, his courage majestical, his nature haughty, and his purse plentiful and heavy: but contrarily, the stature of my body is small, myself not so well spoken, my voice low, my carriage lawyer-like, and of the common fashion, my nature soft and bashful, my purse thin, light, and never yet plentiful. Wherefore I now see the only cause of this choice is, a gracious and favourable censure of your good and undeserved opinions of me. But I most humbly beseech you, recall this your sudden election; and therefore because the more sudden, the sooner to be recalled. But if this cannot move your sudden choice, yet let this one thing persuade you, that myself not being gracious in the eye of her maj. neither ever yet in account with any great personages, shall deceive your expectation in those weighty matters and great affairs which should be committed unto me. For if Demosthenes, being so learned and eloquent as he was, one whom none surpassed, trembled to speak before Phocion at Athens; how much more shall I, being unlearned and unskilful, supply this place of dignity, charge, and trouble, to speak before so many Phocions as here be? Yea, which is the greatest, before the unspeakable majesty and sacred personage of our dread and dear sovereign; the terror of whose countenance will appale and abase even the stoutest heart; yea, whose very name will pull down the greatest courage. For how mightily doth the estate and name of a prince deject the haughtiest stomach, even of their greatest subjects? I beseech you therefore, again and again, to proceed unto a new election, here being many better able, more sufficient, and far more worthy than myself, both for the honour of this assembly, and [illegible] good to the public state." This speech being answered by mr. Comptroller, and the whole house being unanimous in their option, the said serjeant was presented, and confirmed by the queen, as hath been before related.

*The Speaker's Prayer during the Session.*] It had been the custom of these later Protestant parliaments, for the Speaker to compose a Prayer, to be read by him every morning during the session. Accordingly, the present Speaker made and read the following:—"O



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eternal God, Lord of Heaven and Earth, the great and mighty Counsellor, we thy poor servants, assembled before thee, in this hon. senate, humbly acknowledge our great and manifold sins and imperfections, and thereby our unworthiness to receive any grace and assistance from thee: yet, most merciful father, since, by thy Providence, we are called from all parts of the land to this famous council of parl. to advise of those things which concern thy glory, the good of thy church, the prosperity of our prince, and the weal of her people; we most intirely beseech thee, that pardoning all our sins in the blood of thy son Jesus Christ, it would please thee, by the brightness of thy spirit, to expel darkness and vanity from our minds, and partiality from our speeches; and grant unto us such wisdom and integrity of heart as becometh the servants of Jesus Christ, the subjects of a gracious prince, and members of this hon. house.—Let not us, O Lord, who are met together for the public good of the whole land, be more careless and remiss than we use to be in our own private causes. Give grace, we beseech thee, that every one of us may labour to shew a good conscience to thy majesty, a good zeal to thy word, and a loyal heart to our prince, and a Christian love to our country and commonwealth.—O Lord, so unite and conjoin the hearts of her excellent maj. and this whole assembly, as they may be a threefold cord not easily broken; 'giving strength to such godly laws as be already enacted, that they may be the better executed, and enacting such as are further requisite for the bridling of the wicked, and the encouragement unto the godly and well-affected subjects: that so thy great blessing may be continued towards us, and thy grievous judgments turned from us. And that only for Christ Jesus sake, our most glorious and only mediator and advocate, to whom, with thy blessed majesty and the Holy Ghost, be given all honour and praise, power and dominion, from this time forth for evermore."

*Bill for increase of Husbandry.*] Nov 5, Mr. *Francis Bacon* stood up, and made a motion, "against Inclosures and Depopulation of Towns and Houses of Husbandry and Tillage. And to this purpose he brought in, as he termed it, two bills, not drawn with a polished pen, but with a polished heart, free from affection and affectation. And because former laws are medicines of our understanding, he said, that he had perused the preambles of former statutes, and by them did see the inconveniences of this matter, being then scarce out of the shell to be now full ripened. And, he said, that the overflowing of the people here, makes a shrinking and abate elsewhere: and that these two mischiefs, though they be exceeding great, yet they seem the less, because 'Quæ mala cum multis patimur, leviora videntur.' And though it may be thought ill, and very prejudicial to lords that have inclosed great grounds, and pulled down even whole towns, and converted them to sheep pastures; yet considering the increase of people, and the benefit of the commonwealth, I doubt not but every man will deem the revival of former moth-eaten laws, in this point, a praiseworthy thing. For, in matters of policy, ill is not to be thought ill, which bringeth forth good. For, Inclosure of grounds brings depopulation, which brings first idleness; 2ndly, decay of tillage; 3rdly, subversion of houses, and decay of charity, and charges to the poor; 4thly, impoverishing the state of the realm. A law, for the taking away of such inconveniences, is not to be thought ill or hurtful unto the general state. And I would be sorry to see, within this kingdom, that piece of Ovid's verse prove true, 'Jam seges ubi Troja fuit:' so in England, instead of a whole town full of people, nought but green fields, but a shepherd and a dog. The eye of experience is the sure eye, but the eye of wisdom is the quick-sighted eye; and by experience we daily see, 'Nemo putat illud videre turpe, quod sibi sit quæstuosum.' And therefore there is almost no conscience made in destroying the savour of life, bread I mean, for 'panis sapor vitæ.' And therefore a strict and rigorous law had need to be made against those viperous natures, who fulfil the proverb, 'Si non posse quod vult, velle tamen quod potest;' which if it be made by us, and life given unto it by execution in our several counties, no doubt but they will prove laws tending to God's honour, the renown of her maj. the fame of this parl. and the everlasting good of this kingdom. And therefore I think them worthy to be read and received."—This speech was seconded by sir John Fortescue, chanc. of the excheq. who also moved for a Committee to consider of the bill; which was ordered accordingly.

*Motion for a large Supply.*] Nov. 15, the *Chanc. of the Excheq.* made a motion for a Supply. "He put the house in mind of the lord keeper's speech to them, on the 1st day of this parl. by her maj.'s direction, touching the causes of her calling of this parl. and shewing, at large, her maj.'s great and excessive charges, sustained for the defence of her realms and dominions, against the force of the king of Spain, amounting to more than a treble value of the last 3 Subsidies and six 15ths and 10ths, granted unto her in the last parl.; and declaring further the great necessity of some mass of treasure, to be provided towards the supply of her highness's charges in the continuation of the maintenance of her maj.'s forces, in defence of her highness's realms, dominions, and subjects, against the forces and invasions of the said king of Spain; and further referring the particulars of the designs and attempts of the said king of Spain, since the last parl. to be reported unto this house, by mr. Secretary; moved for a selected committee of this house, to be nominated to treat and consult concerning that matter."

Mr. Secretary *Cecil* shewed, at large, "The practices and attempts of the said king of Spain, against her maj. and her realms, dominions, and subjects, in divers sorts, and at sundry

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times; together with his great overthrows in the same by the mighty hand of God, and of her highness's forces, to his perpetual ignominy and great dishonour throughout the whole world." And so, after a large discourse, most excellently delivered by him, says the Journalist, he concluded with a motion "for proceeding to the said committees."

Sir *Francis Bacon** rose and spoke as follows:—"And please you, mr. Speaker, I must consider the time which is spent; but yet so, as I must consider also the matter, which is great. This great cause was, at the first, so materially and weightily propounded; and after in such sort persuaded and enforced; and by him that last spake, so much time taken, and yet to good purpose; as I shall speak at a great disadvantage: but because it hath been always used, and the mixture of this house doth so require it, that in causes of this nature there be some speech and opinion, as well from persons of generality, as by persons of authority, I will say somewhat, and not much: wherein it shall not be fit for me to enter into, or to insist upon secrets, either of her maj.'s coffers, or of her council; but my speech must be of a more vulgar nature. I will not enter, mr. Speaker, into a laudative speech of the high and singular benefits, which by her maj.'s most politic and happy government we receive, thereby to incite you to a retribution; partly because no breath of man can set them forth worthily; and partly because, I know, her maj. in her magnanimity doth bestow her benefits like her freest patents, 'absque aliquo inde reddendo;' not looking for any thing again, if it were in respect only of her particular, but love and loyalty. Neither will I now at this time put the case of this realm of England too precisely; how it standeth with the subject in point of payments to the crown: though I could make it appear by demonstration, what opinion soever be conceived, that never subjects were partakers of greater freedom and ease; and that whether you look abroad into other countries at this present time, or look back to former times in this our own country, we shall find an exceeding difference in matter of taxes; which now I reserve to mention; not so much in doubt to acquaint your ears with foreign strains, or to dig up the sepulchres of buried and forgotten impositions, which in this case, as by way of comparison, it is necessary you understand; but because speech in the house is fit to persuade the general point, and particularly is more proper and seasonable for the committee: neither will I make any observations upon her maj.'s manner of expending and issuing treasure; being not upon excessive and exorbitant donatives; nor upon sumptuous and unnecessary triumphs, buildings, or like magnificence; but upon the preservation, protection, and honour of the realm: for I dare not scan upon her maj.'s actions, which it becometh me rather to admire in silence, than to gloss or discourse upon them, though with never so good a meaning. Sure I am that the treasure that cometh from you to her maj. is but a vapour which riseth from the earth, and gathereth into a cloud, and stayeth not there long; but upon the same earth it falleth again: and what if some drops of this do fall upon France or Flanders? It is like a sweet odour of honour and reputation to our nation throughout the world. But I will only insist upon the natural and inviolate law of preservation. It is a truth, mr. Speaker, and a familiar truth, that safety and preservation are to be preferred before benefit or increase, inasmuch as those counsels which tend to preservation seem to be attended with necessity; whereas, those deliberations which tend to benefit, seem only accompanied with persuasion. And it is ever gain and no loss, when at the foot of the account there remains the purchase of safety. The prints of this are every where to be found: the patient will ever part with some of his blood to save and clear the rest; the sea-faring man will, in a storm, cast over some of his goods to save and assure the rest; the husbandman will afford some foot of ground for his hedge and ditch, to fortify and defend the rest. Why, mr. Speaker, the disputer will, if he be wise and cunning, grant somewhat that seemeth to make against him, because he will keep himself within the strength of his opinion, and the better maintain the rest. But this place advertiseth me not to handle the matter in a common place. I will now deliver unto you that, which, upon a 'probatum est,' hath wrought upon myself, knowing your affections to be like my own. There hath fallen out, since the last parl. four accidents or occurrents of state; things published and known to you all; by every one whereof it seemeth to me, in my vulgar understanding, that the danger of this realm is increased: which I speak not by way of apprehending fear, for I know I speak to English courages; but by way of pressing provision: for I do find, mr. Speaker, that when kingdoms and states are entered into terms and resolutions of hostility one against the other; yet they are many times restrained from their attempts by four impediments:—The 1st is by this same 'aliud agere;' when they have their hands full of other matters, which they have embraced, and serveth for a diversion of their hostile purposes.—The next is, when they want the commodity or opportunity of some places of near approach.—The third, when they have conceived an apprehension of the difficulty and churlishness of the enterprise, and that it is not prepared to their hand. And the fourth is, when a state, through the age of the monarch, groweth heavy and indisposed to actions of great peril and motion; and this dull humour is not sharpened nor inflamed by any provocations or scorns. Now if it please you to examine, whether by removing the impediments, in these four kinds, the danger be not grown so many degrees nearer us by accidents, as I said, fresh, and all dated

* See Bacon's Works, Vol. III. p. 234.

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since the last parl.—Soon after the last parl. you may be pleased to remember how the French king revolted from his religion; whereby every man of common understanding may infer, that the quarrel between France and Spain is more reconcileable, and a greater inclination of affairs to a peace than before: which supposed, it followeth, Spain shall be more free to intend his malice against this realm. Since the last parl. it is also notorious in every man's knowledge and remembrance, that the Spaniards have possessed themselves of that avenue and place of approach for England, which was never in the hands of any king of Spain before; and that is Calais; which in true reason and consideration of estate of what value or service it is, I know not; but in common understanding, it is a knocking at our doors. Since the last parl. also that ulcer of Ireland, which indeed brake forth before, hath run on and raged more: which cannot but be a great attractive to the ambition of the council of Spain, who by former experience know of how tough a complexion this realm of England is to be assailed; and therefore, as rheums and fluxes of humours, is like to resort to that part which is weak and distempered.—And lastly, it is famous now, and so will be many ages hence, how by these two sea-journeys we have braved him, and objected him to scorn: so that no blood can be so frozen or mortified, but must needs take flames of revenge upon so mighty a disgrace. So at this concurrence of occurrents, all since our last assembly, some to deliver and free our enemies, some to advance and bring him on his way, some to tempt and allure him, some to spur on and provoke him, but cannot threaten an increase of our peril in great proportion.—Lastly, mr. Speaker, I will but reduce to the memory of this house one other argument, for ample and large providing and supplying treasure; and this it is:—I see men do, with great alacrity and spirit proceed when they have obtained a course they long wished for and were restrained from. Myself can remember both in this honourable assembly, and in all other places of this realm, how forward and affectionate men were to have an invasive war. Then we would say, a defensive war was like eating and consuming interest, and needs we would be adventurers and assailants; 'habes quod tota mente petisti:' shall we not now make it good, especially when we have tasted so prosperous fruit of our desires?—The 1st of these expeditions invasive was atchieved with great felicity, ravished a strong and famous port in the lap and bosom of their high countries; brought them to such despair as they fired themselves and their Indian fleet in sacrifice, as a good odour and incense unto God for the great and barbarous cruelties which they have committed upon the poor Indians, whither that fleet was sailing; disordered their reckoning so, as the next news we heard of was nothing but protesting of bills and breaking credit. The 2nd journey was with notable resolution borne up against weather and all difficulties; and besides the success in amusing him and putting him to infinite charge, sure I am it was like a Tartar's or Parthian's bow, which shooteth backward, and had a most strong and violent effect and operation both in France and Flanders; so that our neighbours and confederates have reaped the harvest of it; and while the life-blood of Spain went inward to the heart, the outward limbs and members trembled, and could not resist. And lastly, we have a perfect account of all the noble and good blood that was carried forth, and of all our sea-walls and good shipping, without mortality of persons, wreck of vessels, or any manner of diminution. And these have been the happy effects of our so long and so much desired invasive war. To conclude, mr. Speaker, therefore, I doubt not but every man will consent that our gift must bear these two marks and badges: the one, of the danger of the realm by so great a proportion, since the last parliament, increased; the other, the satisfaction we receive in having obtained our so earnest and ardent desire of an invasive war."

Whereupon it was agreed, "that all the privy council, being members of this house, all the knights returned for the counties into this present parl. and all citizens for cities returned into this house, should meet about the said business, on Friday next, in this house; and any other of this house then to come to them also at their pleasure."—Dec. 7, a bill for a Grant of 3 Subsidies and six 15ths and 10ths, was read a first time. On the 10th it was ordered to be engrossed; and, on the 14th it passed this house, and was sent up to the lords. On which the Journalist makes this Observation: "That as this grant exceeded that in the last parl. in respect of the manner of payment, so in the next, a still larger supply was given." By which we must either judge that the necessities of the state were in these times exceedingly urgent; or that the former grants served as leading precedents to the latter. Notwithstanding the clause in the preamble to the bill of the first grant expressly says, "That these large and unusual grants, made to a most excellent princess, on a most pressing and extraordinary occasion, should not, at any time hereafter, be drawn into a precedent."

The rest of the proceedings of the Commons in this session are relative to matters of small moment, and are therefore omitted. Dec. 20, the house was adjourned to the 11th of Jan. And, on the 9th of Feb. the Queen came to the House of Lords in the afternoon, as was the usual custom in those days; when, sending for the Commons, the Speaker, having made his three reverences to her maj. spake, in effect, as follows:

*The Speaker's Speech at the dissolution of the Parl.*] "First, he shewed the happiness of a commonwealth governed by laws, by which subjects are held in due obedience; which her maj. observing, had now called a parl. for the preservation of some laws, amending of others,

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cutting off unnecessary statutes, and the making of new, never before enacted: and that her maj.'s subjects in this parl. considering the strength of the realm to consist in the strength of the prince and subjects, and their strength to stand first in the hands of God, and next in provision of treasure; therefore, said he, your maj.'s most humble, dutiful, and obedient subjects, have, by me their mouth and Speaker, presented here a free gift of their free and loving hearts; the which, I hope and think, was granted without a thought of a *no*. Sure I am, without the word of a *no*. The 2nd part shewed a commandment imposed on him by the House of Commons, which was touching monopolies or patents of privilege, the which was a set and penned speech, made at a committee.—The 3rd shewed a thankfulness of the Commons for the pardon.—The 4th and last contained the said Speaker's own petition, "That if any faults had been committed in the house, they might not be now again revived. And if either he had spoken too much, or not so much as in duty he ought to have done, he besought her maj.'s pardon. And that as it had pleased her maj. to grant pardon to all her loving subjects, so that she would not exempt him alone, &c."

*The Ld. Keeper's Answer.*] To which speech the Lord Keeper, by the Queen's command, made the following Answer: "Our most dread sovereign, her excellent maj. hath given me, in charge, to say unto you and the rest of her loving subjects, that she doth thankfully accept of their free gift of Subsidy granted by the Commons, which she would not have required, had not the puissance of the enemy constrained her thereunto; 2ndly, touching the monopolies, her maj. hoped that her dutiful and loving subjects would not take away her prerogative, which is the chiefest flower in her garden, and the principal and head pearl in her crown and diadem; but that they will rather leave that to her disposition. And as her maj. hath proceeded to trial of them already, so she promiseth to continue, that they shall all be examined, to abide the trial and true touchstone of the law; 3rdly, touching her Pardon, her maj.'s pleasure is, that I shew unto you, that you do not so willingly accept it as she giveth it; 4thly, for your Pardon, mr. Speaker, her maj. saith, That you have so learnedly and so eloquently defended yourself now, and painfully behaved yourself heretofore, as that your labour deserveth double her thanks: but, in your petition, I must also join with you, in beseeching her most excellent maj. that if any thing, through want of experience, or through mine imperfections and ignorance, have overslipped me, it may be pardoned and remitted."—The Lord Keeper having finished his speech, and the queen given the royal assent to 15 private and 28 public acts, and refused or quashed 48 several bills, which had passed both houses, the said great officer, by her maj.'s command, dissolved this parliament.

*A new Parl. called.*] We now come to Queen Elizabeth's last parl. which was called to meet at Westminster, on the 27th of Oct. 1601. When, being assembled, and the knights, citizens, and burgesses of the House of Commons, having notice that her maj. with divers lords spiritual and temporal, and others, were set in the Upper House, hasted thither; but before they came, the door of the house was shut, and notwithstanding any means that was made by them, was still kept shut, until the Lord Keeper had ended his Speech; their resentment of which will appear in the sequel. The substance of what the Lord Keeper spoke at this time was as follows:

*The Ld. Keeper's Speech at opening the Session.*] "He used persuasion of thankfulness, and of obedience, and also shewed her maj.'s desire of dissolution of this parl. before Christmas. He shewed unto us the Necessity we stand in, and the Means to prevent it; the Necessity, the wars between Spain and England; the Means, treasure, &c. His advice was, that laws in force might be revised and explained, and no new laws made. Our enemies, he said, were enemies to God, the queen, and the peace of this kingdom, conspired to overthrow religion, to reduce us to a tyrannical servitude. These enemies he named to be the bp. of Rome and the king of Spain. Our state being thus, he summoned us to be provident, by reason we deal with a provident enemy; and confident, because God hath ever, and he hoped, will ever bless the queen with successful fortune. He shewed how apparent his Providence was, by the means and course he taketh for our instruction: and 2ndly, the success we had against him by God's strong arm of defence in 1588, and divers other times since. You see, said he, to what effect the queen's support of the French king's estate hath brought him; even made him one of the greatest princes in Europe; but when her maj.'s forces left him, how was he fain to ransom a servile peace at our enemies the Spaniard's hands with dishonourable conditions. For the Low-Countries, how by her aid, from a confused govt. and state she brought them to an unity in council, and defended them with such success, in her attempts against the greatest power of the Spaniards tyrannical designs; which have so much galled him, that, how many desperate practices have been both devised, consented to, and set on foot by commandment of the late king his father, I need not shew you, neither trouble you with arguments for proof thereof; being confessed by them that should have been authors themselves. But, 'de mortuis nil nisi bonum.' I would be loth to speak of the dead, much more to slander the dead. I have seen her maj. wear at her girdle the price of her blood; I mean jewels which have been given to her physicians to have done that unto her, which I hope God will ever keep from her; but she hath rather worn them in triumph than for the price, which hath not been greatly valuable.—Then

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he fell to persuade us, because new occasions were offered of consultations, to be provident in provision of means for our own defence and safety, seeing the king of Spain means to make England miserable by beginning with Ireland; neither doth he begin with the rebels, but even with the territory of the queen herself. He shewed that treasure must be our means, for treasure is the sinews of war, &c."

*The Speaker's Speech to the Queen.*] Notwithstanding this unusual exclusion of the Lower House, on the 30th of Oct. when the queen came to the house of lords, the Journalist tells us, that the commons presented John Crooke, esq. Recorder of London, for their Speaker, who, after three low reverences to her maj. spoke as follows:—"Most sacred and mighty Sovereign; upon your maj.'s commandment, your most dutiful and loving Commons, the knights, citizens, and burgesses of the Lower House, have chosen me your maj.'s most humble servant, being a member of the same house, to be their Speaker; but finding the weakness of myself, and my ability too weak to undergo so great a burthen, I do most humbly beseech your sacred maj. to continue your most gracious favour towards me, and not to lay this charge, so unsupportable, upon my unworthy and unable self: and that it would please you to command your Commons, to make a new election of another, more able and more sufficient to discharge the great service to be appointed by your maj. and your subjects. And I beseech your most excellent maj. not to interpret my denial herein, to proceed from any unwillingness to perform all devoted dutiful service; but rather out of your maj.'s clemency and goodness, to interpret the same to proceed from that inward fear and trembling which hath ever possessed me, when heretofore, with most gracious audience, it hath pleased your maj. to license me to speak before you. For, I know, and must acknowledge, that under God, even through your maj.'s great bounty and favour, I am what I am; and therefore none of your maj.'s most dutiful subjects more bound to be ready, and being ready, to perform even the least of your maj.'s commandments. I therefore do most humbly beseech your maj. that in regard the service of so great a prince, and flourishing kingdom, may the better and more successfully be effected, to command your dutiful and loving Commons, the knights, citizens, and burgesses of the Lower House, to proceed to a new election."

*The Ld. Keeper's Answer.*] To which the Lord Keeper, having received her maj.'s orders, answered thus: "Mr. Speaker; her maj. with gracious attention having heard your wise and grave excuse for your discharge, commanded me to say unto you, that even your eloquent speech of defence for yourself, is a great motive, and a reason very persuasive, both to ratify and approve the choice of the loving commons, the knights, citizens, and burgesses, as also to commend their wise and discreet choice of yourself, in her gracious censure, both for sufficiency well able, and for your former fidelity and services well approved and accepted of: and therefore her maj. taketh this choice of you for *bonum omen*, a sign of good and happy success, when the beginning is taken in hand with so good wisdom and discretion. Her maj. therefore commanded me to say unto you, that she well liketh of your election, and therefore she ratifieth it with her royal assent."

*The Speaker's Reply.*] The Speaker replied in this manner; "Most sacred and most puissant Queen; seeing it hath pleased you to command my service, by consenting to the free election of your dutiful and loyal subjects, the knights, citizens, and burgesses, of me to be their Speaker, I most humbly beseech your maj. to give me leave to shew unto you the dutiful thoughts and earnest affections of your loyal subjects to do your maj. all services, and to defend your royal and sacred person both with their lives and goods, against, &c. And so made a vehement invective against the tyranny of the king of Spain, the Pope's ambition, the rebels of Ireland, which, he said, were like a snake cut in pieces, which did crawl and creep to join themselves together again. And lastly, with prayers to continue the prosperous estate and peace of this kingdom, which hath been defended, as he said, by the mighty arm of our dread and sacred queen. To which she answered openly herself, '*No, but by the mighty hand of God; mr. Speaker.*' Then he proceeded to the last part, to beseech her maj. for freedom of speech to every particular member of this house and their servants. And lastly, if any mistaking of any speech delivered unto him from the Commons should happen, that her maj. would attribute that to his weakness in delivery or understanding, and not to the house, as also any forgetfulness through want of memory, or that things were not so judiciously handled or expressed by him as they were delivered by the house."

*The Ld. Keeper's Answer.*] The Ld. Keeper, receiving further instructions from her maj. answered as follows: "Mr. Speaker, her maj. doth greatly commend and like of your grave speech, well divided, well contrived; the first proceeding from a sound invention, and the other from a settled judgment and experience. You have well, and well indeed, weighed the estate of this kingdom; well observed the greatness of our puissant and grand enemy the king of Spain, the continual and excessive charges of the wars of Ireland; which if they be well weighed, do not only shew the puissance of our gracious sovereign in defending us; but also, the greatness of the charge continually bestowed by her maj. even out of her own revenues to protect us; and the exposing of her maj. to continual trouble and toilsome cares for the benefit and safety of her subjects. Wherefore mr. Speaker, it behoveth us to think and say, as was well delivered by a

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grave man lately in a 'Concio ad Clerum,' 'Opus est subsidio nè fiat excidium.' Touching your other requests for Freedom of Speech, her maj. willingly consenteth thereto, with this caution, That the time be not spent in idle and vain matter, painting the same out with froth and volubility of words, whereby the speakers may seem to gain some reputed credit, by imboldening themselves to contradiction, and by troubling the house of purpose, with long and vain orations, to hinder the proceeding in matters of greater and more weighty importance. Touching Access to her Person, she most willingly granteth the same, desiring she may not be troubled unless urgent matter and affairs of great consequence compel you thereunto: for this hath been held for a wise maxim, 'In troubling great estates, you must trouble seldom.'—For Liberties unto yourselves and Persons, her maj. hath commanded me to say unto you all, That she ever intendeth to preserve the liberties of the house, and granteth freedom even unto the meanest member of this house: but her maj.'s pleasure is, you should not maintain and keep with you notorious persons, either for life or behaviour, and desperate debtors who never come abroad, fearing laws, but at these times; pettifoggers and vipers of the common-wealth; prolling and common solicitors, that set dissention between man and man; and men of the like condition to these: these her maj. earnestly wisheth a law may be made against; as also, that no member of this parl. would entertain or bolster up any man of the like humour or quality, on pain of her highness's displeasure. For your Excuse of the house and of yourself, her maj. commanded me to say, That your sufficiency hath so oftentimes been approved before her, that she doubteth not of your sufficient discharge of the place you shall serve in. Wherein she willeth you, to have a special eye and regard not to make new and idle laws, and trouble the house with them; but rather look to the abridging and repealing of divers obsolete and superfluous statutes; as also, first, to take in hand matters of greatest moment and consequence. In doing thus, mr. Speaker, you shall fulfil her maj.'s commandment, do your country good, and satisfy her highness's expectation."

The first thing the Lords went upon, was to bring in a bill to restrain the excessive and superfluous use of Coaches. What the tenor of it was, we know not; for, at the 2nd reading, it is entered, That whereas the said bill did in some sort concern the maintenance of Horses, within this realm, consideration ought to be had of the statutes heretofore ordained, relating to the breed and maintenance of Horses; and a new bill was to be framed for that purpose, wherein the use of Coaches might be included. But we hear no more of this matter. —A bill was also read a 1st and 2nd time, for the Preservation of Pheasants and Partridges; but though, at the 2nd reading, this bill was of that consequence as to be referred to a committee of 23 lords, yet no farther notice is taken of it in the Journals.—Another bill passed the Lords, for the suppressing of the Multitude of Ale-houses and Tipling-houses. A bill was also sent up by the Commons, much to the same purpose, entituled, "An Act against Drunkards, and common Haunters of Ale-houses and Taverns; but we do not find by the printed statutes, that either of these bills passed into a law at this time.

*Orders of the Lords in relation to Bills.*] A bill was read twice in the Lords this session, and committed, which had this short title, "An act for the Assurance of Lands." Since it did not pass, and we know not to what purpose it was designed, we only mention it for two extraordinary Rules of the house made concerning the debates about this bill. When the abp. of Canterbury, the chairman of the committee, returned the bill to the house, with certain amendments, they were presently twice read, and the bill ordered to be engrossed. But the bishop of London, one of the committee, offering to speak to the bill, or to the amendments, a question was moved by the earl of Nottingham, lord steward, "Whether it was agreeable to the good order and ancient custom of that house, that the said bp. being one of the committee, and dissenting from the rest, in some matter, either of the bill or of the amendments, might speak thereto upon the bringing in and presenting the amendments?" The lord keeper proposed this matter to the house, and the question being put, it was carried in the affirmative, "That any member of a committee might speak, in this case, either to the body of the bill, or the amendments before they were engrossed." And order was given that this Resolution should be entered in the Journals, for clearing the same doubt, if it should happen to arise in any future parl.—The next was, that on the 3rd reading of this bill, many objections arising against some points of the same, made by the bp. of London and several other lords; insomuch that the house was divided in opinion, whether it should be put to the question for the passing thereof, or no? Many lords were desirous that any defect in the said bill might be rather reformed, than, by this question, to put it to the hazard of being rejected. Another way was therefore first proposed, and the question put, "Whether the said bill, having been referred to a committee, at the 2nd reading, and by them returned with some amendments, and thereupon ordered to be engrossed, might after the engrossing and the 3rd reading, be recommitted, or no?" The numbers *pro* and *con* being equal; it was judged that the negative part, who were against recommitting the said bill, should prevail. Following the usual rule in law, as the Lord Keeper observed, "That where the Negatives and Affirmatives were equal, 'semper presumitur pro negante.' Lastly, the bill itself being put to the question, "whether it should pass or no?" Was, by the majority, rejected.

It seems, by the Lords Journals, as if the

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whole business of this session was employed in trying complaints upon breaches of privilege: insomuch, that on the 10th of Dec. the Lord Keeper acquainted the house, that he had received command from her maj. to inform them, "That the parl. should end on the 17th or 18th of this month at the farthest; that they might repair to their several countries against Christmas. She therefore required them to employ and spend that time which remained in matters concerning the public, and not on private business.

Some few bills, indeed, of consequence, had been proceeded upon; but the main bill for a Supply was yet to come, which, no doubt, the queen's message expedited; for it was delivered on the 10th of December, and on the 12th the commons sent up a bill for a grant of four entire subsidies, and eight 15ths and 10ths, which, in a few days more, had the assent of both houses. And very soon after, a grant of four subsidies of four shillings in the pound, from the clergy, was confirmed by parliament.

*The Commons resent their being shut out of the House of Lords.*] It was observed at the opening of this parl. that the Commons were not admitted, as usual, into the House of Lords, to hear the Lord Keeper's Speech. Nor is there any notice taken, in the said speech, of their being commanded to go to their own house and chuse a Speaker. Much discontented at this usage, they returned back, however; and, being assembled, mr. Richard Liefe, one of the barons of the cinque-ports, stood up and addressed himself to mr. Comptroller of the Household, telling him the wrong done unto the greatest part of the members of this house, by their not being suffered to come into the upper house, to hear her maj.'s pleasure, by the mouth of the Lord Keeper. Humbly desiring him, as Comptroller, to be a means, that the reason thereof might be imparted unto some of the members of this house, for their better satisfaction. The Comptroller answered, That he thought this request very reasonable and meet, and it should be done at convenient time; but seemed to impute the said fault wholly to the gentleman-usher of the upper house.

*Mr Sec. Cecil recapitulates the Heads of the Lord Keeper's Speech.*] Nov. the 3rd. Mr. *Liefe* stood up and moved, "That since many of the members were strangers to the Lord Keeper's Speech, and consequently of the cause which moved her maj. to call this parl. they might be in some sort satisfied in that point." On which

Mr. Secretary *Cecil* repeated the heads of the said speech to the house, and then proceeded: "For my own advice, touching the particular counsels of this house, I wish that we would not trouble ourselves with any fantastic speeches or idle bills, but rather such as be for the general good, both light in conception, and facile in execution. Now seeing it hath pleased you all hitherto with patience to hear me, if with your favour, I may particularize and shew the grounds of the former-delivered speech, touching the State of Ireland, I shall be very glad, both for my own discharge, and for your satisfaction. The king of Spain, having quit himself of France, by a base and servile peace, forgetteth not to follow the objects of his father's ambition, England and the Low-Countries. He hath made overtures of peace, which, if they might both be honourable and for the public good, I hold that neither a wise nor an honest man would impugn them. He hath put an army into Ireland, the number 4000 soldiers, under the conduct of a valiant, expert, and hardy captain, who chooseth, rather than return into his own country without any famous enterprize, to live and die in this service. These 4000 are three parts natural Spaniards, and of his best expert soldiers, except them of the Low-Countries: those he could not spare, because of his enterprize of Ostend. And how dangerous the loss of that town would be to this land, I think there is no man of experience but can witness with me. For he would easily be master of all that coast, so that the trade between England and the Low-Countries would be quite dissolved. Yea, he would be so dangerous a neighbour to us, that we, which are now tenants by discretion, are likely shortly to be tenants by the courtesy. When he is our neighbour of the Low-Countries, what neighbour hath Spain, to whom he shall not be troublesome.—I will shew you further what besides this he hath done, and how eagle-eyed he is continually over us. To resist the Turk's attempts, he hath sent 10,000 men; to the Low Countries 9000; in an enterprize of his own against the Turk he hath sent . . . . . ; which being dispatched, those soldiers shall return against the next spring, and second these 4000 men. Now in the enterprize for Ireland, to resist those attempts in being, and the ensuing provisions against us, let us consider the certainty of our estate in Ireland: we have there an army, and nothing but an army, fed even out of England; with what charge it brings to the queen, what trouble to the subject, what danger it is to them there left, if the provision should fail; what hurt to the commonwealth, by making things at a higher rate than otherwise they would be, I refer it to your wisdoms to imagine. Over this, I assure you, it is beyond all precedent and conjecture: his presence and cause of war there, is to defend the Catholic cause; I mean, to tear her maj.'s subjects from her; for I may say she hath no Catholic obedient subject there, because she standeth excommunicate at this present by force of two bulls of this Pope's, by which the subjects are absolved of their obedience. That you do only remember you do it 'pro aris et focis;' yea, we *do it* for a prince that desireth not to do any thing extraordinary out of the coffers of her subjects. She selleth her land to defend us, she supporteth all the neighbouring princes to gain their amities and establish our long peace; not these

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5, or 7, or 10 years, but 43 years, for all our prosperities. I hope I shall not see her funeral, upon which may be written, 'Hic solum restat victrix orientis.' And I pray God, I may not. What we freely give unto her, she, living, bestows it to our good; and dying, doubtless, will leave it for our profit. Thus have I out of mine own genius, for mine own part, delivered unto you what I know. And touching that I have spoken in performing your commaudment, I will take no thanks from you for my pains; for no man cares with less affection to speak in this assembly, or desireth to gratify any particular member of this house more than myself."

Mr. *George Moore* moved, "That whereas the lord-keeper's oration was, 'That the greatest matters should be handled in the beginning of the parl.' a Committee might be chosen to certify the house what those matters were, that order might be taken accordingly."—On this motion, a Committee was immediately appointed, which consisted of all the privy-council, being members of this house, the knights of the shires, the barons of the cinque-ports, the knights and citizens for London, York, Norwich, Bristol, Totness, and about 40 more, who were appointed to meet in this house upon Saturday next at two in the afternoon.

*Bill relating to Bishop's Leases.*] Nov. 4, a bill for Explanation of such Statutes as regard Leases to be made by abps. and bps. was read; to which only Mr. *Bosc* stood up and said, "That this act would be prejudicial to the bp. present and the successor, to their servants and to the bps. own servants and tenants: to the bp. present, in the maintenance of his estate, which cometh only by continual fines; which if they be taken away, then are they not able to maintain that hospitality, and keep that retinue either belonging to their place or answerable to their living. For, consider the revenue of the greatest bishopric in England, it is but 2,200l. whereof he payeth, for annual subsidies, to the queen 500l. And what damage we shall do both to him and his successor herein, his revenue being so beneficial to her maj. I refer to all your judgments. To the successor it must needs be more hurtful; for when he first cometh in, he payeth first-fruits, and yet is not allowed to make his benefit by fines, which all bps. farmers are content to do; so that he is cast one whole annual value behind hand, and perhaps hath no power, neither to make leases in 12 or 16 years. This, mr. Speaker, will induce the Ministers of the Word not to seek bishoprics, whereby we may bring the clergy both to poverty and contempt; from which they have ever been carefully defended and provided for, even by the most ancient statutes and laws of this land now extant. Hurtful it is to their servants, for this may be every man's case. We know very many good gentlemen's sons serve bps. and how can they reward their long and faithful services, but only by means of granting over of these fines or some other means out of their spiritual function? But this act is good for the courtier; and I may speak no more of that point. Lastly, mr. Speaker, I myself am farmer to a bp. and I speak this as in my own case (on my knowledge) to the house; that it is ordinary upon every grant after 4 or 5 years, ever to fine and take a new lease, but I refer it to the consideration of the house to do their pleasures therein: only this I can certify, that I have the copy of the bill the last parl. exhibited to this purpose, which I having conferred together with the present bill, do find them to be, word for word, all one; and the last was rejected"—Whereupon this was also rejected.

*Bill for suppressing Abuses in Weights and Measures.*] Nov. 5, Mr. *Francis Bacon* stood up and spoke thus: "Mr. Speaker, I am not of their mind that bring their bills into this house obscurely, by delivery only to yourself or to the clerk, delighting to have the bill to be 'incerto authore,' as though they were either ashamed of their own work, or afraid to father their own children: but I, mr. Speaker, have a bill here, which, I know, I shall no sooner be ready to offer, but you will be ready to receive and approve. I liken this bill to that sentence of the poet, who set this as a paradox in the fore-front of his book, 'First water, then gold,' preferring necessity before pleasure. And I am of the same opinion, that things necessary in use, are better than those things which are glorious in estimation. This, mr. Speaker, is no bill of state nor of novelty, like a stately gallery for pleasure, but neither to dine in nor sleep in; but this bill is a bill of repose, of quiet, of profit, of true and just dealings; the title whereof is, 'An act for the better Suppressing of Abuses in Weights and Measures.' We have turned out divers bills without disputation: and for a house of wisdom and gravity as this is, to bandy bills like balls, and to be silent as if no body were of counsel with the common-wealth, is unfitting in my understanding for the state thereof. I will tell you, mr. Speaker, out of mine own experience, that I have learned and observed, having had causes of this nature referred to my report: that this fault of using false Weights and Measures, is grown so intolerable and common, that if you would build churches, you shall not need, for battlements and bells, other than false Weights of lead and brass. And because I would observe the advice given in the beginning of this parl. that we should make no new laws; I have only made this bill a confirmation of the statute of the 11th Hen. VII. with a few additions, to which I will speak at the passing of the bill, and shew the reasons of every particular clause, the whole being a revival of a former statute: for I take it far better to scour a stream, than to turn a stream. And the first clause is, That it is to extend to the principality of Wales, to constrain them to have the like Measures and Weights to us in England."

*Debate on the Manner of issuing Writs for*



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*Elections.*] Sir *Robert Cecil* moved the house, "To have their opinions, in that there wanted a chief member, viz. a knight of Denbighshire. And he said, I am to certify the house thus much, in respect of some disorder committed there, touching the election, by sir Rd. Trevor and sir John Fludd, to which sir John Salisbury is a party, the sheriff could not proceed in election. For mine own part, I think it fit that mr. Speaker should *attend* my lord keeper therein. And then produced a letter from the sheriff, that there happening a great riot and disturbance on the county-court day, he had it not in his power to execute the writ."

Sir *Edw. Hobby* answered, "Methinks under favour, the motion mr. Secretary made is good, but the form therein (I speak with all reverence) not fitting the state of this house. For, he said, mr. Speaker shall attend my lord keeper. Attend! It is well known that the Speaker of the House is the mouth of the whole realm; and that the whole state of the commonalty of a kingdom should attend one person, I see no reason. I refer it to the consideration of the house: only this proposition I hold, That our Speaker is to be commanded by none, neither to attend any, but the queen only."

Mr. *Johnson* said, "The Speaker might 'ex officio' send a warrant to the clerk of the crown who is to certify the lord keeper, and so to make a new warrant."

Sir *Edw. Hobby* said, "That for Election of burgesses, he had seen half a score yesterday with sir John Puckering's hand, when he was Speaker."

Mr. *Speaker* said, "I may inform you of the order of the house, That a warrant must go from the Speaker to the clerk of the crown, who is to inform the lord keeper, and then to make a new writ."

Mr. Sec. *Cecil* said, "I should be very sorry to detract from any particular member of this house, much more from the general state; my meaning was mistaken, and my words misconstrued."

*Debate on the Supply.*] Nov. 7, in the afternoon, the Committee on the Subsidy sat; when Sir *Walter Raleigh* moved the house, "To consider to what intent they came together, and now in their coming what was to be considered. For the Subsidy, and the manner and quality thereof, I will now only intimate thus much unto you: that the last parl. only 3 Subsidies were granted, upon fear that the Spaniards were coming; but we see now they are come, and have set foot even in the queen's territories already, and therefore are the more of us to be respected and regarded. And seeing the sale of her highness's own jewels, the great loans the subjects have lent her, yet unpaid, the continual selling of her lands and decaying of her revenues, the sparing ever out of her own purse and apparel for our sakes will not serve, but yet she must be fain to call her court of parl. for our advice and aid in this case; I wish for my own part (as a particular member of this commonwealth) that we may not do less than we did before; and that we also would bountifully, according to our estates, contribute to the necessity of her maj. as now it standeth."

Mr. *Wiseman.* "Her maj. hath spent so much, that now she is fain to desire the help of her subjects; let us therefore draw to some head, and leave our orations and speeches. We are to consider only what is fit to be given; and as for my part, as a poor member and one of the meanest in this house, I will be bold to deliver mine opinion first, because some must break the ice. Three pound land and under to pay 2s. 8d. in the pound, and five pound goods and under to pay 1s. 8d. in the pound, and double tenths and fifteenths as soon as may be. Although I may seem over bold, being but a rural and countryman, to speak even out of my element in this case; yet I do heartily crave pardon of all, beseeching that neither my unaptness or disorder of speech, nor the unworthiness of my person may prejudice the cause."

Sir *Robert Wroth.* "That four pound land full Subsidy, and six pound goods full Subsidy, might be paid to her maj."

Sir *Fran. Hastings* moved, "That three pound men might be exempted, and all others above that rate to pay according to the rate to make up a full Subsidy."

Mr. *Philipps* moved, "That the four pound men might be exempted, and four Subsidies received from the rich, which should be termed a contribution, because it might make no innovation."

Sir *Walter Raleigh* said, "If all pay alike, none will be aggrieved; if any be exempted, doubtless, it will breed much grief, and the feeling will be great to those three pound men that will feel any thing, but it will be nothing to them that know any thing."

Sir *Edw. Hobby* said, "We cannot hear you, speak out, you should speak standing, that so the house might the better hear you." So

Sir *Walter Raleigh* said, "That being a Committee, he might speak either sitting or standing, and so repeated over again the former speech."

Mr. Sec. *Cecil* said, "Because it is an argument of more reverence, I chuse to speak standing. As long as the queen by the advice of her council did find means to spare you, so long she ever desired that her subjects might not be charged: but if her maj. as soon as the last subsidy had been spent, should have again resorted unto you, I do assure you, this parl. had been called in Oct. last. Now if upon providence and foresight, you did contribute unto her maj.; much more should we now do the same, seeing a resolute company of soldiers have intrenched themselves in her maj.'s kingdom of Ireland, and more supplies thither are daily expected. It is time to open our coffers, that we may obviate, in the beginning, these few forces of the Spaniards, lest growing to greater forces we cannot expel them with

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less than 500,000l. which we may now do with 100,000 in present. If there be any that sits next the door that desires to sit next the chair to give his opinion, I will not only give him my place, but thank him to take my charge." —(This was conceived to be sir Edw. Hobby, who coming to sit near the chair, and not giving him place, sat next the door.)—"We that sit here, for my part, take your favours out of courtesy, not out of duty; but to the purpose. The queen hath occasion to use, as divers in this house do know, 300,000l. before Easter; how this shall be raised and gathered, that is the question; for without this proportion of charge, neither the Spaniards in Ireland can be repelled, and the wars there maintained, neither her maj.'s other affairs be set on foot, neither provision sufficient can be set on foot, or made for defence from foreign invasions. Admit with a less charge we should now expel him; will any man be so simple to think he will give over the enterprise, being of so great consequence, and grow desperate? I should think him but a man of shallow understanding and less policy. Surely, if we had been of that mind when we had that great overthrow of his invincible navy in 88, we had been destinated to perdition. For how many chargeable enterprizes of puissant and great consequence hath he since made? The like, if his forces in Ireland should now fail, would he do again. And therefore that provision we now make, if he should be expelled with a less matter, would serve to make defence against his next invasion of that kingdom; as also, enrich her maj. to be ready to furnish her navy and forces the speedier for her safety. Besides, if he bestow such masses of treasure for the gaining of one poor town, Ostend, what will he do to gain so strong and famous a kingdom as Ireland? I will, by the leave of a worthy person who sits by me, and knows these things better than I do, yield a particular account unto you of the state itself. First; the last whole Subsidy after the rate of 4l. lands and 8 groats goods came not to above 80,000l. the Subsidy of the clergy 20,000l. the double 15ths 60,000l. All which is 160,000l. Since my lord of Essex's going into Ireland, she hath spent 300,000l. So the queen is behind 140,000l. Thus we refer the matter to your judicious consideration: we only shew you the present state of the queen and her affairs, wishing no man to look that we should give advice what is to be done, as though you yourselves, who are the wisdom of the land could neither direct yourselves nor upon these reasons alledged, judge the necessity of the state."

Sir *John Fortescue* added this, "That what pleased the house in the name of the Subsidy to bestow the same, her maj. did and would ever employ to their uses; so that dying, it might be written on her tomb, 'Quód occupatus vixit,' so that she dying, liveth still, employing all to the safety of her subjects. And I beseech you remember, that the Great-Turk when he conquered Constantinople, found therein 300 millions of gold: if they, quoth he, had bestowed 3 millions in defence of their city, he could never have gotten it. From this blindness, I pray God defend us, that we may not be backward to give 4 Subsidies to her maj. for want whereof in time, we may happen to lose that which will not be recovered or defended with a hundred."—After which it was agreed by general consent the three Pound men to be included.

*A Bill to repress the Multitude of Common Solicitors.*] Nov. 9, *Heywood Townshend*, esq. in preferring a bill against the Multitude of common Solicitors, spoke as follows:—"Mr. Speaker; it is well said by a worthy member of this house, mr. Francis Bacon, that every man is bound to help the commonwealth the best he may; much more is every man in his particular bound, being a member of this house, if he knew any dangerous enormity towards the commonwealth, not only to open it, but, if it may be, oppose it. We being all here within these walls together, may be likened to a jury close shut up in a chamber; every man there upon his oath, and every man here upon his conscience, being the grand-jurymen of the land, bound to deal both truly and plainly. Herewith (though a most unworthy and least sufficient member of this house) myself being touched, I had rather adventure my credit by speaking, though confusedly, than to stretch my conscience (knowing so great a mischief and inconvenience unto this kingdom, by silence in so pleasing a cause, as I do persuade myself this bill will be to every man that hears it. To which mr. Speaker, because I may have benefit of speech if occasion serve, at the second reading thereof, I will not speak more at this present, but only touching the very tract of the bill itself. The honourable personage, that in the upper house in the beginning of this parl. spake against the lewd abuses of prolling solicitors and their great multitude, who set dissension betwixt man and man, like a snake, cut in pieces, crawl together to join themselves again to stir up evil spirits of dissension: he, I say, advised us, that a law might be made to repress them. I have observed that no man in this parl. ever offered to prefer any such bill to this house, but, sure I am, no man spake to this purpose. I have therefore, mr. Speaker, presumed out of my young experience, because I know part of their abuses, and with that small portion of learning that I have, to draw a bill, and here it is. The title is thus: 'An act to repress the multitude of Common Solicitors.' The body of the act disableth all persons to solicit any cause other than their own. There are excepted and fore-prized four several sorts, lawyers and attornies in their own courts; where they be sworn servants in livery, and kinsmen within the fourth degree of consanguinity. And no man within this kingdom but may find a sitting and convenient solicitor within these four degrees. And I humbly pray, it being so short, that the bill may be read and received.'

*Debate on the Supply renewed.*] On the same day the affair of the Supply was again brought before the house; and mr. Secretary

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*Cecil* began first, and said, "When it was the good pleasure of this house to give order to the committees to consider the common danger of this realm, in which not only every member of this house, but every man in the kingdom is interested, it liked the committees after their resolution to chuse one among all to give account of their proceedings, and that is myself. I do know, it were the safest way for a man's memory, to deliver the last resolution without any precedent argument; for rare is the assembly in which there is not some variety of opinions. And I am of opinion, if we had all agreed upon the manner, as we did speedily upon the matter, all had been dispatched in an hour. It seemed by the ready consent of the committees, that they came not to look on one another, or like sheep to accompany one another; but the matter was well declared by some, and at length consented unto by all. Our contention bred difference, and difference cause of argument, both how to ease the state, and make this subsidy less burthensome which shall be received. Some were of opinion, that the 3 pound men should be spared, because it was to be considered they had but small portions. Others were of opinion that the 4 pound men should give double, and the rest upwards should be higher assessed. Others were of other opinions. Again it was moved, whether this Subsidy should go in the name of a Benevolence or Contribution, or whether in the name of a 4th Subsidy; but at length most voices resolved it should have the old name of a Subsidy, because 'subsidium and auxilium' are all one. The most voices concluded, That there should be no exception of the 3 pound men, because according to their rate some were assessed under value; besides, separation might breed emulation, suspicion of partiality and confusion. And the whole realm, when each man comes into his country, will be better satisfied, when they shall know they have spared no man, nor made any disjunction. It was said by a member of the house, that he knew some poor people pawned their pots and pans to pay the Subsidy. It may be you dwell where you see and hear; I dwell where I hear and believe. And, this I know, that neither pot nor pan, nor dish nor spoon should be spared when danger is at our elbows. But he that spake this, in my conscience, spake it not to hinder the Subsidy, or the greatness of the gift, but to shew the poverty of some assessed, and by sparing them to yield them relief. But, by no means, I would have the 3 pound men exempted, because I do wish the king of Spain might know, how willing we are to sell all in defence of God's religion, our prince and country.—I have read when Hannibal resolved to sack Rome, he dwelt in the cities adjoining, and never feared or doubted of his enterprize, till word was brought him that the maidens, ladies, and women of Rome sold their ear-rings, jewels and all their necessaries to maintain war against him. I do take myself in duty bound to acquaint this house with the modesty of the committee at the proposition; that where first this house never stuck to commit it, they never stuck (understanding the reasons) to grant it."

Sir *Rob. Wroth* then moved, "That this new Subsidy might be drawn in a bill by itself, to which should be annexed a preamble of the great necessities, the willingness of the subject, and that it might be no precedent; but that would not be yielded unto."

Mr. *Francis Moore* moved that, "That which was done might be compleatly done, and the Subsidy gathered by commission, and not by the old roll; for peradventure some were dead, others fallen to poverty, others richer, and so deserved to be enhanced, &c. And withal he said, that the granting of this Subsidy seemed to be the alpha and omega of this parl."

Mr. *Wingfield* moved the hon. of the council, members of this house, "That seeing the Subsidy was granted, and they yet had done nothing, it would please her maj. not to dissolve the parl. till some acts were passed."

Mr. *Francis Bacon*, after a repetition that the 3 pound men might not be excluded, concluded, "That it was 'dulcis tractus pari jugo,' therefore the poor as well as the rich not to be exempted."

Sir *Walter Raleigh* said, "I like not that the Spaniards, our enemies, should know of our selling our pots and pans to pay Subsidies; well may you call it policy, as an hon. person alledged, but, I am sure, it argues poverty in the state. And for the motion that was last made, of 'dulcis tractus pari jugo,' call you this 'par jugum,' when a poor man pays as much as a rich, and peradventure his estate is no better than he is set at, or but little better; when our estates that be 30 or 40l. in the Queen's books, are not the hundred part of our wealth? Therefore it is not 'dulcis' nor 'pari.'"

Mr. Sec. *Cecil*. "That for what the gentleman said, 'That the Subsidy was the alpha and omega of this parl.:' I think he spoke it not simply out of humour, but rather upon probability; for, I can assure you, her maj. is as respective over you touching her laws, which she desireth may be perused and amended, that she meaneth not to dissolve this parl. until some things be amended: for that, that I said, touching the Spaniard's knowing of our sale of our pots and pans, and all we have, to keep him out, which should be a matter of policy, to which the gent. (sir Walter Raleigh) took exceptions; I say, it is true, and yet I am mistaken. I say, it is good the Spaniards should know how willing we are to sell our pots and pans and all we have to keep him out: yet I do not say, it is good he should know we do sell them. That is, I would have him know our willingness to sell, (though there be no need) but not of our poverty in selling, or of any necessity we have to sell them, which I think none will do, neither shall need to do." Then all the house cried, 'No, No;' as much as to say, no man did so.

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Sir *Arthur Gorge* moved, "That it would please the council, that order might be taken that justices of the peace might be assessed according to the statute, viz. at 20l. lands, whereas there be few justices that be above 8 or 10l."

Serjeant *Heyle.* "Mr. Speaker, I marvel much that the house will stand upon granting of a Subsidy, or the time of payment, when all we have is her maj.'s; and she may lawfully, at her pleasure, take it from us: yea, she hath as much right to all our lands and goods, as to any revenue of her crown." At which all the house hemmed, and laughed and talked. "Well," quoth serj. Heyle, "all your hemming shall not put me out of countenance." So mr. Spkr stood up and said, "It is a great disorder that this should be used; for it is the ancient use of every man to be silent when any one speaketh; and he that is speaking should be suffered to deliver his mind without interruption." So the serjeant proceeded, and when he had spoken a little while, the house hemmed again, and so he sat down. In his latter speech he said, "He could prove his former position by precedent in the times of Hen. III. king John, king Stephen, &c." which was the occasion of their hemming.

Mr. *Montague* said, "That there were no such precedents; and if all preambles of subsidies were looked upon, he should find it were of free gift. And although her maj. requireth this at our hands, yet it is in us to give, not in her to exact of duty. And for the precedents there be none such, but touching a 10th fleece of wool, and a 10th sheaf of corn that was granted to Edw. III. at his going to the conquest of France; because all the money, then in the land to be levied by way of subsidy, would not be any way answerable to raise that great mass he desired. And so, having these 10ths, he sold them to private men to gain that subsidy, and so raised money to himself for his enterprize."

*Bill against Pluralities of Benefices.*] Nov. 16. A bill for redressing certain inconveniencies in the statute of 21 Hen. VIII. c. 13, intituled, 'An act against Pluralities of Benefices for taking of Farms by Spiritual Men, and for Residence,' was read the 2d time.

Mr. *Dunn* said, "It was no reason that men of unequal desert should be equally beneficed, or equalized with the best."

Dr. *Crompton* wished "That pluralities of offices might be taken from the laity, and then pluralities of benefices from the spirituality. Also in former ages, he said, impropriations were given to the spirituality, and then no pluralities allowed; as also spiritual men bound by ecclesiastical canons of their own from marriage, so that they might live with far less charge than now they do. But having taken from them first the impropriations, they cannot keep that hospitality which is required. And next, marriage being tolerated among them, they living at great charge both of wife and children, one benefice of small cure sufficeth not."

Sir *Geo. Moore* "Thought the bill most fit to be committed, it being, in the general opinion, a good law, and tending to a good and a religious end; and such is the iniquity of this age, that for want of a good law of this nature, many souls do not only languish but perish everlastingly, for want of spiritual food."

Mr. *Lock.* "I think bare silence is not an exoneration of a man's conscience: the similitude of offices and benefices, made by the doctor, doth not hold, under favour; for 'Non est incipiendum cum laicis, sed incidiendum à domo Dei:' therefore if they begin first, we shall follow in avoiding Pluralities."

Dr. *James.* "That it had been said, that Pluralities were the cause of bringing corruption into the church; but for that, under favour, said he, I think the contrary, because corruption is commonly where poverty is; but if competent living be given to the minister, I see no reason why just men should judge there to be corruption. 2dly, it was said, that it would be a means of preaching the word; for that I answer, that if hope of competent living be taken away, it will be a means to make the best wits refuse the study of divinity. And therefore an historian saith well, that 'sublatis præmiis corruunt artes.' Consider besides, that in England there are above eight thousand eight hundred and odd parish-churches; six hundred of which do but afford competent living for a minister: what then shall become of the multitude of our learned men? They have no other preferments unless it be to get some deanery, prebend, or such like, which is no easy matter to do, they being so few, especially in this catching age. To give the best scholar but as great proportion as the meanest artisan, or to give all alike, there is no equality; for 'Inæqualibus æqualia dare absurdum.' And this will breed poverty in the greatest learned, which, is the mother of contempt, a thing both dangerous and odious unto divinity: this must needs enforce preachers to preach 'placentia;' which is a thing abhorred even of God himself. A preacher, who is no ordinary person, ought to have an extraordinary reward: for the canon saith, he must be 'ad minimum artium magister, aut publicus aut idoneus verbi divini concionator."

Mr. *David Waterhouse.* "Because myself am an officer, I mean only to speak of the doctor's similitude of pluralities of offices. By the common law, an officer shall forfeit his office for non-attendance; so for a benefice the incumbent shall also forfeit. But after the statute came which made this toleration upon 18 days absence: so that now, if we set this statute at liberty again, this shall be no innovation in us, but a renovation of the common law. And I will end only with this caution to the house, that commonly the most ignorant divines of this land be doubled beneficed."

Serj. *Harris.* "We seem to defend the privileges and customs of the house, but if we

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proceed to determine of this bill, mr. Spkr, we shall not only infringe a custom which we have ever observed, viz. to meddle with no matter that toucheth her maj.'s prerogative; but also procure her great displeasure. Admit we should determine of this matter, yet her maj. may grant toleration with a 'non obstante.' And, mr. Speaker, the last parl. may be a warning to us when the like bill by us was preferred, and the same not only rejected, but also her maj. commanded the ld. keeper to tell us, that she hoped we would not hereafter meddle in cases of this nature so nearly touching her prerogative royal."

Mr. *Martin.* "I agree with one that said, 'learning should have her reward:' but I say more, that our souls should have their spiritual food."

Mr. *Francis Hastings.* "I protest that which I shall speak, I will utter to you all, out of the conscience of a christian, loyalty of a subject, and heart of an Englishman. I know that 'distributio parochiarum est ex jure humano non divino.' But he that said so much, give me leave to tell him, that 'distributio verbi divini est ex jure divino et humano.' If then by the distributing and severing of benefices to divers learned men, the word may be the better distributed unto the people, and preached as, God be thanked, it hath been these 43 years, under her maj.'s happy govt.; (the point of whose days, I beseech the Almighty, may be prolonged;) I see no reason, mr. Speaker, why we should doubt of the goodness of this bill, or make any question of the committing thereof, &c."

Mr. *Roger Owen* shewed, "That a statute was but 'privatio communis juris:' and this act will make no innovation, because it repeals only the proviso, and not the body. Whereas it was said, that 'honos alit artes,' and much more to that purpose; and if you take away the honour and reward, then you take away the study itself. For answer thereunto, mr. Speaker, I say, under favour, that this statute takes away no benefices from the clergy, but doth only better order the distribution of benefices among the clergy. For another doctor that alledged a canon confirmed under the great seal of England, I say, under favour, that they of the clergy, and not we of the laity, are bound thereby; for they are, as it were, bye-laws to them, but not to us."—After which it was committed.

*Debate on a Bill against Monopolies.*] Nov. 20, the grand affair of Monopolies began in this house. It was first brought in by mr. Laurence Hide, and was then intitled, 'An act for the explanation of the common law in certain cases of Letters Patents.' After it was read, the question was to be put for the committing of it; and some crying out, 'Commit it,' some 'Ingross it,' a great debate arose. When

Mr. *Spicer*, burgess for Warwick, said, "Mr. Speaker, this assembly may be said to be 'libera mens et libera lingua,' therefore freely and faithfully, that which I know I will speak to this house. This bill may touch the prerogative royal, which, as I learned the last parl. is so transcendent, that the . . . . . of the subject may not aspire thereunto. Far be it therefore from me, that the state and prerogative royal of the prince should be tied by me or by the act of any other subject. First let us consider of the word Monopoly, what it is, Μόνος is *Unus*, and Πόλις is *Civitas*; so then the meaning of the word is, a restraint of any thing public in a city or commonwealth to a private use, and the user called a Monopolitan, 'quasi cujus privatum lucrum est urbis et orbis commune malum.' And we may well term this man the whirlpool of the prince's profit. Every man hath 3 special friends, his goods, kinsfolks, and good name: these men may have the two first but not the last. I speak not, mr. Speaker, neither repining at her maj.'s prerogative, or misliking the reasons of her grants, but out of grief of heart, to see the town, wherein I serve, pestered and continually vexed by the substitutes and vicegerents of these Monopolitans, who are ever ill-disposed and affected members. I beseech you, give me leave to prove this unto you by this argument. Whosoever transgresseth the royal commission of her maj. being granted upon good and warrantable suggestions, and also abuseth the authority and warrant of her maj.'s privy council, being granted unto him for the more favourable execution of his patent: this man is an evil-disposed and dangerous subject. But that this is true, and hath been done by one person, a substitute of a patentee, I will prove unto you. The substitutes for aquavitæ and vinegar came not long since to the town where I serve, and presently stayed sale of both these commodities; unless the sellers would compound with them, they must presently to the council-table. Myself, though ignorant, yet not so unskilful, by reason of my profession, but that I could judge whether their proceedings were according to their authority, viewed their patent, and found they exceeded in three points: for where the patent gives four months liberty to the subject, that hath any aquavitæ, to sell the same, this person comes down within two months and takes bond of them to his own use, where he ought to bring them before a justice of peace, and they there to be bound in recognizance, and after to be returned into the exchequer; and so, by usurpation, retaineth power in his own hands to kill or save. Thus her maj.'s commission being transgressed, as a sworn servant to her maj. I hold myself bound to certify the house thereof; and also that this substitute stands indicted as an obstinate recusant: yea, when her maj.'s name hath been spoken of and herself prayed for, he hath refused to stir hat or lip. My humble motion is, that we might use some caution or circumspective care to prevent this ensuing mischief."

Mr. *Francis Bacon.* "I confess the bill, as it is, is in few words, but yet ponderous and

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weighty. For the prerogative royal of the prince, for my own part I ever allowed of it, and it is such as I hope shall never be discussed. The queen, as she is our sovereign, hath both an enlarging and restraining power. For, by her prerogative, she may first set at liberty things restrained by statute-law, or otherwise; and, 2ndly, by her prerogative, she may restrain things which be at liberty. For the first, she may grant 'non obstante' contrary to the penal laws, which truly, according to my own conscience," [and so struck himself on the breast] "are as hateful to the subject as monopolies. For the 2nd, if any man, out of his own wit, industry, or endeavour, finds out any thing beneficial for the commonwealth, or bring any new invention, which every subject of this kingdom may use; yet in regard of his pains and travel therein, her maj. perhaps, is pleased to grant him a privilege to use the same only by himself or his deputies for a certain time. This is one kind of monopoly. Sometimes there is a glut of things when they be in excessive quantity, as perhaps of corn, and her maj. gives licence of transportation to one man; this is another kind of monopoly. Sometimes there is a scarcity or a small quantity, and the like is granted also. These and divers of this nature have been in trial, both at the common pleas, upon actions of trespass, where, if the judges do find the privilege good, and beneficial to the commonwealth, they then will allow it, otherwise disallow it. And also I know that her maj. herself hath given commandment to her attorney-general, to bring divers of them, since the last parl. to trial in the exchequer; since which time at least 15 or 16, to my knowledge, have been repealed; some by her maj.'s own express commandment, upon complaint made unto her by petition, and some by 'quo warranto' in the exchequer. But mr. Speaker, (said he, pointing to the bill) this is no stranger in this place, but a stranger in this vestment: the use hath been ever to humble ourselves unto her maj. and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. All cannot be done at once, neither was it possible since the last parl. to repeal all. If her maj. make a patent (or, as we term it, a monopoly) unto any of her servants, that must go, and we cry out of it: but if she grant it to a number of burgesses, or a corporation, that must stand, and that forsooth is no monopoly. I say, and I say again, that we ought not to deal, to judge, or meddle with her maj.'s prerogative. I wish every man therefore to be careful in this business; and humbly pray this house to testify with me, that I, the queen's attorney-general, have discharged my duty, in respect of my place, in speaking on her maj.'s behalf; and protest I have delivered my conscience in saying that which I have said."

Dr. *Bennet*. "He that will go about to debate her maj.'s prerogative royal, had need walk warily. In respect of a grievance out of the city, for which I come, I think myself bound to speak that now which I had not intended to speak before; I mean a monopoly of salt. It is an old proverb, 'Sal sapit omnia;' fire and water are not more necessary. But for other Monopolies of cards" (at which word sir Walter Raleigh blushed) "dice, starch, and the like; they are, (because Monopolies) I must confess, very hurtful, though not all alike hurtful. I know, there is a great difference in them; and I think, if the abuses in this monopoly of salt were particularized, this would walk in the fore-rank. Now, seeing we are come to the means of redress let us see that it be so mannerly and handsomely handled, that after a commitment, it may have good passage."

Mr. *Laurence Hide*. "I confess, mr. Speaker, that I owe duty to God, and loyalty to my prince. And for the bill itself I made it, and I think I understand it: and far be it from this heart of mine to think, this tongue to speak, or this hand to write any thing, either in prejudice or derogation of her maj.'s prerogative royal and the state. But because you shall know that this course is no new invention, but long since digested in the age of our forefathers above 300 years ago, I will offer to your considerations one precedent 10th Edw. III. At which time, one John Peach was arraigned at this bar in parl. for that he had obtained of the king a monopoly for sweet wines. The patent, after great advice and dispute, was adjudged void, and, before his face, in open parl. cancelled, because he had exacted 3s. 4d. for every tun of wine; himself adjudged to prison until he had made restitution of all that ever he had recovered, and not to be delivered till after a fine of 500l. paid to the king. This is a precedent worthy of observation; but I dare not presume to say, worthy the following. And, mr. Speaker, as I think it is no derogation to the omnipotence of God, to say he can do all but evil; so I think, it is no derogation to the maj. or person of the queen, to say the like in some proportion. Yet, mr. Speaker, because two eyes may see more than one, I humbly pray, that there might be a commitment had of this bill, lest something may be therein which may prove the bane and overthrow thereof at the time of the passing."

Serjeant *Harris*. "For ought I see, the house moveth to have this bill in the nature of a petition; it must then begin with more humiliation: and truly, sir, the bill is good of itself, but the penning of it is somewhat out of course."

Mr. *Montague*. "The matter is good and honest, and I like this manner of proceeding by bill well enough in this matter. The grievances are great, and I would note unto you only thus much, that the last parl. we proceeded by the way of petition, which had no successful effect."

Mr. *Francis Moore*. "I know the queen's prerogative is a thing curious to be dealt withal, yet all grievances are not comparable. I cannot utter with my tongue, or conceive with my heart, the great grievances that the town and

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country for which I serve, suffereth by some of these Monopolies; it bringeth the general profit into a private hand, and the end of all is beggary and bondage to the subjects. We have a law for the true and faithful carrying of leather; there is a patent sets all at liberty, notwithstanding that statute. And to what purpose is it to *do* any thing by act of parl. when the queen will *undo* the same by her prerogative? Out of the spirit of humiliation, mr. Speaker, I do speak it, there is no act of her's that hath been, or is more derogatory to her own maj. more odious to the subject, more dangerous to the commonwealth than the granting of these monopolies."

Mr. *Martin*. "I speak for a town that grieves and pines, for a country that groaneth and languisheth under the burthen of monstrous and unconscionable substitutes to the monopolitans of starch, tin, fish, cloth, oil, vinegar, salt, and I know not what, nay what not? The principal commodities, both of my town and country, are ingrossed into the hand of those blood-suckers of the commonwealth. If a body, mr. Speaker, being let blood, be left still languishing without any remedy, how can the good estate of that body long remain? Such is the state of my town and country; the traffic is taken away, the inward and private commodities are taken away, and dare not be used without the licence of these monopolitans. If these blood-suckers be still let alone to suck up the best and principal commodities which the earth there hath given us, what shall become of us, from whom the fruits of our own soil and the commodities of our own labour, which, with the sweat of our brows, even up to the knees in mire and dirt, we have laboured for, shall be taken by warrant of supreme authority, which the poor subjects dare not gainsay?"

Sir *George Moore*. "I make no question but that this bill offereth good matter; and I do wish, that the matter may in some sort be prosecuted, and the bill rejected. Many grievances have been laid open touching the monopolies of salt; but, if we add thereunto petre, then we had hit the grief aright; with which my country is perplexed. There be three persons, her maj. the patentee, and the subject: her maj. the head, the patentee the hand, and the subject the foot. Now here's our case, the head gives power to the hands, the hand oppresseth the foot, the foot riseth against the head. We know the power of her maj. cannot be restrained by an act, why, therefore, should we thus talk? Admit we should make this statute with a 'non obstante,' yet the queen may grant a patent with a 'non obstante,' to cross this 'non obstante.' I think therefore, it agreeth more with the gravity and wisdom of this house, to proceed with all humbleness by petition than bill."

Mr. *Wingfield*. "I would but put the house in mind of the proceeding we had in this matter the last parl.; in the end whereof, our Speaker moved her maj. by way of petition, that the griefs touching these Monopolies might be respected, and the grievances coming of them might be redressed. Her maj. answered, by the ld. keeper, 'that she would take care of these monopolies, and our griefs should be redressed; if not, she would give us free liberty to proceed in making a law the next parl.' The grief, mr. Speaker, is still bleeding, and we green under the sore, and are still without remedy. It was my hap the last parl. to encounter with the word Prerogative; but as then, so now I do it with all humility, and wish all happiness both unto it, and to her maj. I am indifferent touching our proceeding either by bill or petition, so that therein our grievances may follow, whereby her maj. may specially understand them."

Sir *Walter Raleigh*. "I am urged to speak in two respects; the one because I find myself touched in particular; the other, in that I take some imputation of slander to be offered unto her maj. I mean, by the gent. that first mentioned tin (mr. Martin) for that being one of the principal commodities of this kingdom, and being in Cornwall, it hath ever, so long as there were any, belonged to the dukes of Cornwall, and they had special patents of privilege. It pleased her maj. freely to bestow upon me that privilege; and that patent being, word for word, the very same the duke's is, and because by reason of mine office of lord warden of the stannary, I can sufficiently inform this house of the state thereof; I will make bold to deliver it unto you. When the tin is taken out of the mine, and melted and refined, than is every piece, containing 100 cwt. sealed with the duke's seal. Now I will tell you, that before the granting of my patent, whether tin were but of 17s. and so upwards to 50s. a cwt.; yet the poor workmen never had above 2s. a week, finding themselves: but since my patent, whosoever will work, may; and buy tin at what price soever, they have 4s. a week truly paid. There is no poor that will work there, but may, and have that wages. Notwithstanding, if all others may be repealed, I will give my consent as freely to the cancelling of this, as any member of this house."

Mr. *Downland*. "If we proceed by way of petition, we can have no more gracious answer than we had the last parl. to our petitions. But since that parl. we have no reformation; and the reason why I think no reformation hath been had, is, because I never heard the cry against Monopolies greater and more vehement."

Mr. *Johnson*. "I would we were all so happy, that her gracious self had heard but the fifth part of that, that every one of us hath heard this day; I think verily, in my soul and conscience, we should not be more desirous in having those monopolies called in, than she would be earnest therein herself." After all this debate, the question was put for committing the bill or not, and it was carried in the affirmative. On which a committee was appointed, consisting of all the members of

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the privy-council, and the learned counsel of that house, sir W. Raleigh, sir Fr. Hastings, sir Edw. Stafford, sir Edw. Hobby, sir Geo. Moore, sir Rob. Wroth, and divers others.

In the afternoon of the following day, the Committee met; and our Journalist gives us the following particulars of what happened at their first conference.

Sir *Edw. Hobby* informed the house of the great abuse of the patentee for Salt in his country, "That betwixt Michaelmas and st. Andrew's tide, where salt (before the patent) was wont to be sold for 16d. a bushel, it is now sold for 14 or 15s. a bushel: but, after the lord president had understanding thereof, he committed the patentee, and caused it to be sold for 16d. as before. To Lyme, there is brought every year above 3000 wey of salt; and every wey of salt is, since the patent, enhanced to 20s.; and where the bushel was wont to be 8d. it is now 16d. And I dare boldly say it, if this patent were called in, there might well 3000l. a year be saved in the ports of Lyme, Boston, and Hull. I speak of white salt."

Mr. *Francis Bacon*. "The bill is very injurious and ridiculous; injurious, in that it taketh or rather sweepeth away her maj.'s prerogative; and ridiculous, in that there is a proviso, that this statute shall not extend to grants made to corporations; that is a gull to sweeten the bill withal, it is only to make fools fain. All men of the law know, that a bill which is only expository, to expound the common law, doth enact nothing; neither is any promise of good therein. And therefore the proviso in the statute of 34 Hen. VIII. of wills, (which is but a statute expository of the statute of 32 Hen. VIII. of wills) touching sir John Gainsford's will, was adjudged void. Therefore I think the bill very unfit, and our proceedings to be by petition."

Mr. *Flemming*, the Solicitor General, said, "I will briefly give account of all things touching these monopolies: her maj. in her provident care, gave charge unto mr. Attorney and myself, that speedy and special order may be taken for these patents; this was in the beginning of Hillary term last: but you all know the danger of that time, and what great affairs of importance happened to prevent these businesses: and since that time, nothing could be done for want of leisure."

Sir *Rob. Wroth*. "I would but note, mr. Solicitor, that you were charged to take order in Hillary term last; why not before? There was time enough ever since the last parl. I speak it, and I speak it boldly, these patentees are worse than ever they were: and I have heard a gentleman affirm in this house, that there is a clause of revocation in these patents; if so, what needed this stir of 'scire facias, quo warranto,' and I know not what, when it is but only, to send for the patentees, and cause a re-delivery? There have been divers patents granted since the last parl.; these are now in being, viz. the patents for currants, iron, powder, cards, ox-shin bones, train-oil, transportation of leather, lists of cloth, ashes, anniseeds, vinegar, sea-coals, steel, aquavitæ, brushes, pots, salt-petre, lead, accidences, oil, calamin-stone, oil of blubber, fumachoes, or dried piltchers in the smoak, and divers others."—Upon reciting of the patents aforesaid,

Mr. *Hackwell* stood up and asked thus; "Is not bread there?" 'Bread,' quoth one, 'bread,' quoth another; 'this voice seems strange,' quoth another; 'this voice seems strange,' quoth a third: "No," quoth mr. Hackwell, "but if order be not taken for these, bread will be there before the next parliament."

Mr. *Heywood Townshend*, seeing a disagreement of the committee, made a motion to this effect; "First, to put them in mind of a petition made the last parl. which, though it took no effect, yet we should much wrong her maj. and forget ourselves, if we should think to speed no better now in the like case; because then there was a commitment for this purpose, and the committees drew a speech, which was delivered by the Speaker, word for word, at the end of this parl.; but now we might help that, by sending our Speaker presently, after such a committee and speech made, with humble suit, not only, to repeal all monopolies grievous to the subject; but also, that it would please her maj. to give us leave to make an act, that they might be of no more force, validity, or effect, than they are at the common law, without the strength of her prerogative. Which though we might now do, and the act being so reasonable, we might assure ourselves, her maj. would not delay the passing thereof, yet we her loving subjects, would not offer, without her privity or consent, (the cause so nearly touching her prerogative,) or go about to do any such act. And also, that at the committee which should make this speech, every member of this house, which either found himself, his town, or country grieved, might put in (in fair writing) such exceptions against Monopolies, as he would justify to be true: and that the Speaker might deliver them with his own hands, because many obstacles and hindrances might happen."

Mr. *Francis Bacon*. "Why, you have the readiest course that possibly can be devised. I would wish no further order be taken, but to prefer the wise and discreet speech made by the young gentleman (even the youngest in this assembly) that spake last. I will tell you, that even, 'ex ore infantium et lactantium,' the true and most certain course is propounded unto us."—The committee agreed to this motion, and appointed to meet again on the 23d instant: on which day the subject of Monopolies was again re-assumed in the house, and

Mr. *Spicer* said, "I think it were good this bill were re-committed; I am no apostate, but I stick to the former faith and opinion that I was of, that, by way of petition, will be our safest course; for, it is to no purpose to offer to



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tie her hands by act of parl. when she may loosen herself at her pleasure. I think, it were a course, 'nec gratum, nec tutum.' And therefore, the best way is to have a committee to consider what course shall be proceeded in; for, I doubt not, but we be all agreed of the reformation, though not of the manner."

Mr. *Davies*, said, "God hath given that power to absolute princes which he attributeth to himself, 'dixi quod dii estis.' And as attributes unto them, he hath given majesty, justice and mercy; majesty, in respect of the honour that the subject sheweth to his prince; justice, in respect he can do no wrong, therefore the law is 1 Hen. VII. 'That the king cannot commit a disseizin;' mercy, in respect he giveth leave to subjects, to right themselves by law: and therefore in 43 Assis. an Indictment was brought against bakers and brewers, for that, by colour of licence, they had broken the assize; wherefore according to that precedent, I think it most fit to proceed by bill, not by petition."

Mr. Secretary *Cecil*. "If there had not been some mistaking or some confusion in the committee, I would not now have spoken. The question was, of the most convenient way to reform these grievances of Monopoly: but after disputation, of the labour we have not received the expected fruit. If every man shall take leave to speak for the common subject, I am afraid in these vast powers of our mind, we shall dispute the project of reformation quite out of doors. This dispute draws two great things in question; 1st, the prince's power; 2dly, the freedom of Englishmen. I am born an Englishman, and am a fellow-member of this house; I would desire to live no day, in which I should detract from either. I am servant unto the queen; and before I would speak or give consent to a case, that should debase her prerogative or abridge it, I would wish my tongue cut out of my head. I am sure, there were law-makers before there were laws. One gentleman went about to possess us, with the execution of the law in an ancient record of 10th king Edw. III. likely enough to be true in that time, when the king was afraid of the subject. Though this precedent be a substance, yet it is not the whole of the parl. For in former times, all sate together as well king as subject; and then, it was no prejudice to his prerogative to have such a monopoly examined. If you stand upon law, and dispute of the prerogative, heark ye what Bracton saith, 'Prærogativam nostram nemo audeat disputare.' And for my own part, I like not these courses should be taken. And you mr. Speaker, should perform the charge her maj. gave unto you in the beginning of this parl. not to receive bills of this nature; for her maj.'s ears be open to all grievances; and her hand stretched out to every man's petitions. For the matter of access I like it well, so it be first moved and the way prepared. I had rather all the patents were destroyed, than her maj. should lose the hearts of so many subjects as is pretended. I will tell you what I think of these Monopolies: I take them to be of three natures, some of a free nature and good, some void of themselves, some both good and void. For the 1st, when the prince dispenses with a penal law that is left to the alteration of sovereignty, I think it powerful and irrevocable. For the 2d, as to grant that which taketh from the subject his birthright, such men as desire these kind of patents, I account them misdoers and wilful and wicked offenders. Of the third sort is, the licence for the matter of cards, &c. And therefore I think, it were fit to have a new commitment, to consider what her maj. may grant, what not; what course we shall take, and upon what points."

Mr. *Montague*. "I am loth to speak what I know, lest perhaps I should displease. The prerogative royal is that which is now in question, and which the laws of the land have ever allowed and maintained. Then my motion shall be but this, that we may be suitors unto her maj. that the patentees shall have no other remedies than by the laws of the realm they may have, and that our act may be accordingly."

Mr. *Martin*. "I think the common grievance and the queen's prerogative have inspired this gentleman that spake last (whom for reverence sake, I must needs name, mr. Montague,) to make that motion which he hath done."—Then a committee was appointed to meet the same day in the afternoon, when mr. sec. Cecil shewed the committee a large catalogue consisting of near 40 different patents, mostly granted since the 16th year of the queen's reign. Whereupon after mr. Davis had moved to have these Monopolies proceeded against by bill, and mr. Martin had moved to have them dealt in by petition to her maj. and that the house had heard the particular relation of the said Monopolies, there was nothing concluded upon."—But in the morning of next day, Nov. 24, upon loud confusion in the house about these Monopolies,

Mr. Sec. *Cecil* stood up, and said, "The duty I owe, and my zeal to extinguish Monopolies, makes me to speak now, and to satisfy their opinions that think there shall be no redress of these Monopolies. Order is attended with these two handmaids, Gravity and Zeal; but zeal with discretion. I have been (though unworthy) a member of this house in 6 or 7 parliaments, yet never did I see the house in so great confusion. I believe there never was in any parl. a more tender point handled than the Liberty of the Subject. But that when any is discussing this point, he should be cried and cought down; this is more fit for a grammar-school than a court of parl. I have been a counsellor of state these 12 years, yet did I never know it subject to construction of levity and disorder. Much more ought we to be regardful in so great and grave an assembly. Why, we have had speeches upon speeches, without either order or discretion. One would have had us proceed by bill, and

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see if the queen would have denied it: another, that the patents should be brought here before us and cancelled; and this was bravely done. Others would have us to proceed by way of petition, which course, doubtless, is best; but for the 1st, and especially for the 2d, it is so ridiculous, that I think we should have as bad success as the devil himself would have wished in so good a cause. Why, if idle courses had been followed, we should have gone, forsooth, to the queen with a petition to have repealed a patent of Monopoly of tobacco-pipes, and I know not how many conceits; but I wish every man to rest satisfied until the committees have brought in their resolutions according to your commandments."

*The Speaker acquaints the House, by the Queen's Order, that the Monopolies shall be revoked.*] Nov 25, after some bills had been read in the house, and silence commanded, the Speaker arose out of his chair, and every man wondering why he stood up, he said; "It pleased her maj to command me to attend upon her yesterday in the afternoon, from whom I am to deliver unto you all, her maj.'s most gracious message sent by my unworthy self. She yields you all hearty thanks for your care and special regard of those things that concern her state, kingdom, and consequently ourselves, whose good she had always tendered as her own; for our speedy resolution in making of so hasty and free a subsidy; which commonly succeeded but never went before our councils; and for our loyalty: I do assure you with such and so great zeal and affection she uttered and shewed the same, that to express it, our tongues are not able, neither our hearts to conceive it. It pleased her maj. to say unto me, 'That if she had an hundred tongues she could not express our hearty good-wills.' And further she said, 'That as she had ever held our good most dear, so the last day of our (or her) life should witness it; and that the least of her subjects was not grieved, and she not touched.' She appealed to the throne of Almighty God, how careful she hath been, and will be, to defend her people from all oppressions. She said, 'That partly by intimation of her council, and partly by divers petitions that have been delivered unto her both going to the chapel and also to walk abroad, she understood that divers patents, which she had granted, were grievous to her subjects; and that the substitutes of the patentees had used great oppressions.' But she said, 'she never assented to grant any thing which was 'malum in se.' And if in the abuse of her grant there be any thing evil (which she took knowledge there was) she herself would take present order of reformation.' I cannot express unto you the apparent indignation of her maj. towards these abuses. She said that her kingly prerogative (for so she termed it) was tender; and therefore desireth us not to fear or doubt of her careful reformation; for she said, that her commandment was given a little before the late troubles, (meaning the earl of Essex's matters,) but had an unfortunate event: but that in the midst of her most great and weighty occasions, she thought upon them. And that this should not suffice, but that further order should be taken presently, and not 'in futuro,' (for that also was another word, which I take it, her maj. used;) and that some should be presently repealed, some suspended, and none put in execution, but such as should first have a trial according to the law for the good of the people. Against the abuses her wrath was so incensed, that she said, that she neither could nor would suffer such to escape with impunity. So to my unspeakable comfort, she hath made me the messenger of this her gracious thankfulness and care. Now we see that the axe of her princely justice is laid to the root of the tree; and so we see her goodness hath prevented our counsels and consultations. God make us thankful, and send her long to reign amongst us. If through weakness of memory, want of utterance, or frailty of myself, I have omitted any thing of her maj.'s commands, I do most humbly crave pardon for the same; and do beseech the hon. persons which assist this chair, and were present before her maj. at the delivery hereof, to supply and help my imperfections; which joined with my fear, have caused me (no doubt) to forget something which I should have delivered unto you."—After a little pause and low talking one with another,

Mr. Secretary *Cecil* stood up and said, "There needs no supply of the memory of the Speaker: but, because it pleased him to desire some that be about him to aid his delivery, and because the rest of my fellows be silent, I will take upon me to deliver something which I both then heard, and since know. I was present with the rest of my fellow-counsellors, and the message was the same that hath been told you; and the cause hath not succeeded from any particular course thought upon, but from private informations of some particular persons. I have been very inquisitive of them, and of the cause why more importunity was now used than afore; which I am afraid comes by being acquainted with some course of proceeding in this house. There are no patents now of force, which shall not presently be revoked; for what patent soever is granted, there shall be left to the overthrow of that patent, a liberty agreeable to the law. There is no patent if it be 'malum in se,' but the queen was ill apprized in her grant. But all to the generality be unacceptable. I take it, there is no patent whereof the execution hath not been injurious. Would that they had never been granted. I hope there shall never be more." [All the House said Amen.] "In particular, most of these patents have been supported by letters of assitance from her maj.'s privy council; but whosoever looks upon them shall find, that they carry no other stile, than with relation to the patent. I dare assure you from henceforth there shall be no more granted,

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They shall all be revoked. But to whom do they repair with these letters? to some outhouse, to some desolate widow, to some simple cottage, or poor ignorant people, who rather than they would be troubled and undo themselves by coming up hither, will give any thing in reason for these caterpillar's satisfaction. The notice of this is now public, and you will perhaps judge this to be a tale to serve the time. But I would have all men to know thus much, that it is no jesting with a court of parl.; neither dares any man (for my own part, I dare not) so mock and abuse all the states of this kingdom, in a matter of this consequence and importance. I say therefore, there shall be a proclamation general throughout the realm, to notify her maj.'s resolution in this behalf. And because you may eat your meat more savoury than you have done, every man shall have salt as good and cheap as he can buy it or make it, freely without danger of that patent, which shall be presently revoked. The same benefit shall they have which have cold stomachs, both for aquavitæ and aqua composita and the like. And they that have weak stomachs, for their satisfaction, shall have vinegar and alegar, and the like, set at liberty. Train-oil shall go the same way; oil of blubber shall march in equal rank; brushes and bottles endure the like judgment. The patent for pouldavy, if it be not called in, it shall be. Oade, which, as I take it, is not restrained either by law or statute, but only by proclamation (I mean from the former sowing) though for the saving thereof it might receive good disputation; yet for your satisfaction, the queen's pleasure is to revoke that proclamation; only she prayeth thus much, that when she cometh on progress to see you in your countries, she be not driven out of your towns by suffering it to infect the air too near them. Those that desire to go sprucely in their ruffs, may at less charge than accustomed, obtain their wish; for the patent for starch, which hath so much been prosecuted, shall now be repealed. There are other patents which be considerable, as the patent of New Drapery, which shall be suspended and left to the law: Irish yarn, a matter that I am sorry there is cause of complaint; for the salvageness of the people and the war have frustrated the hope of the patentee; a gentleman of good service and desert, a good subject to her maj. and a good member of the commonwealth, mr. Carmarthen: notwithstanding, it shall be suspended and left to the law. The patent for calf-skins and fells, which was made with a relation, shall endure the censure of the law. But I must tell you, there is no reason that all should be revoked, for the queen means not to be swept out of her prerogative. I say, it shall be suspended, if the law do not warrant it. There is another servant of her maj.'s, mr. Onslow, one of her pensioners, an honest gent. and a faithful servant, he hath the patent for steel, which one mr. Beale once had; this too because of complaints shall be suspended. There is another that hath the patent for Leather, sir Edw. Dyer, a gent. of good desert, honest, religious, and wise; this was granted unto him 30 years ago. It crept not in by the new misgovernment of the time; yet this shall also be suspended. The patent for Cards shall be suspended and triable by the common law. The patent for Glasses, which though I do least apprehend to be prejudicial to the public good, yet it is left to the law. There is another patent for Saltpetre, that hath been both accused and slandered; it digs into every man's house, it annoys the inhabitant, and generally troubleth the subject; for this I beseech you be contented. Yet I know, I am to blame to desire it, it being condemned by you 'in foro conscientiæ;' but I assure you it shall be fully sifted and tried 'in foro judicii.' Her maj. means to take this patent unto herself, and advise with her counsel touching the same. For I must tell you the kingdom is not so well furnished with powder as now it should be. But if it be thought fit upon advice to be cancelled, her majesty commanded me to tell you, that though she be willing to help the grave gent. that hath that patent, yet out of that abundant desire that she hath to give you compleat satisfaction, it shall be repealed. This hath come to the ear of the queen, and I have been most earnest to search for the instrument, and as a counsellor of state, have done my best endeavour to salve the sore? but I fear we are not secret within ourselves. Then I must needs give you this for a future caution, That whatsoever is subject to public expectation cannot be good, while the parliament matters are ordinary talk in the street. I have heard myself, being in my coach, these words spoken aloud, 'God prosper those that further the overthrow of these Monopolies; God send the Prerogative touch not our Liberty!' I will not wrong any so much as to imagine he was of this assembly; yet let me give you this note, That the time was never more apt to disorder and make ill interpretation of good meaning; I think those persons would be glad that all sovereignty were converted into popularity; we being here, are but the popular mouth, and our liberty, the liberty of the subject: and the world is apt to slander, most especially, the ministers of govt.—Thus much have I spoken to accomplish my duty unto her maj. but not to make any further performance of the well uttered and gravely and truly delivered speech of the Speaker. But I must crave your favour a little longer to make an apology for myself. I have held the favour of this house as dear as my life, and I have been told that I deserved to be taxed yesterday of the house. I protest my zeal to have the business go forward in a right and hopeful course; and my fear to displease her maj. by a harsh and rash proceeding, made me so much to lay aside my discretion, that I said it might rather be termed a school than a council, or to that effect. But by this speech if any think I called him schoolboy, he both wrongs me and mistakes me.

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Shall I tell you what Demosthenes said to the clamours which the Athenians made, that they were 'pueriles & dignos pueris.' And yet that was to a popular state. And I wish that whatsoever is here spoken may be buried within these walls. Let us take example of the Jewish synagogue, who would always 'sepelire senatum cum honore,' and not blast their own follies and imperfections. If any man in this house speak wisely, we do him great wrong to interrupt him; if foolishly, let us hear him out, we shall have the more cause to tax him. And I do heartily pray, that no member of this house may 'plus verbis offendere quam consilio juvare."

*Address of Thanks, &c. to the Queen upon that Occasion.*] Mr. *Francis Moore* rose and said, "I must confess mr. Speaker, I moved the house both the last parl. and this touching this point; but I never meant (and I hope this house thinketh so) to set limits and bounds to the prerogative royal. But now seeing it hath pleased her maj. of herself, out of the abundance of her princely goodness, to set at liberty her subjects from the thraldom of those Monopolies, from which there was no town, city, or country, free; I would be bold, in one motion, to offer two considerations to this house. The 1st, that mr. Speaker might go unto her maj. to yield her our most humble and hearty thanks, and withal to shew the joy of her subjects for their delivery, and their thankfulness unto her for the same: the other, that where divers speeches have been made extravagantly in this house, which doubtless have been told her maj. and perhaps all ill-conceived of by her; I would therefore that mr. Speaker not only should satisfy her maj. by way of apology therein, but also humbly crave pardon for the same."

Mr. *Wingfield* said, "My heart is not able to conceive the joy which I feel, and I assure you my tongue cannot utter the same. If a sentence of everlasting happiness had been pronounced unto me, it could not have made me shew more outward joy than now I do, which I cannot refrain to express; there could nothing have been more acceptable to the subject than this message. And I verily think, if ever any of her maj.'s works be meritorious before God, this is. I do agree with all my heart in the first part of the gent.'s motion that last spake; but do utterly mislike the latter: for it is not to be intended, we should have had so good and gracious a message, if the truth of some particular speeches had been delivered unto her. And now for us to accuse ourselves, by excusing a fault with which we are not charged, were a thing in my opinion inconvenient, and unfitting the wisdom of this house."—Upon which it was put to the question and concluded, That thanks should be returned by the Speaker, and 12 members were named to go with him, and intreaty made to the privy council to obtain liberty to be admitted.

Nov. 26. Mr. *Dounald* moved the house, "First that this gracious Message, which had been sent from her maj. might be written in the books of Records of this house, (being worthy to be written in gold) as well as it is written and fixed in the true heart of every good subject; 2ndly, That the hon. assembly of this house would move her maj. and be earnest means of speed, lest that which is now meant indeed, may, by protraction of time be altered, or perhaps not so happily effected."

Mr. Sec. *Cecil* said, "I promised to be as silent as I could. Among much speech of the wise, there wants not much folly, much more in me. I do not speak because I do dislike the motion of the gent. that last spake, but to defend the diligence and grace of the queen. It is no matter of toy for a prince to notify in public a matter of this weight. Though the idol of a monopoly be a great monster, yet after two or three days I doubt not but you shall see him dismembered: and I protest there is not any soul that lives deserves thanks in this cause but our sovereign. Yesterday the queen gave order for a draught of a proclamation. I had it in my hand. You all know, I went even now out of the house; then I read it and sent for him that should deliver it to her hands. Now what needs this new zeal?"

Mr. *Davis* said, "Mr. Speaker, that which was delivered unto you from her sacred self, I think to be gospel, that is, glad tidings: and as the gospel is registered and written, so would I have that also; for if ever glad tidings came to the heart of the subject, they now come."

Sir *George Moore* said, "This eating and fretting disease of Monopolies I have ever detested with my heart; and the greater the grievance is, the more inestimable is the grave wisdom of her maj. in repealing them. And therefore for us to think we can sufficiently requite the same, it were to hold a candle before the sun to dim the light. And seeing she, in her clemency and care to us, hath taken the matter into her own hands, I wish the matter may be no more spoke of, much less proceeded in."

Sir *Francis Hastings* said, "It ought to be written in the tables of our hearts, &c."

Mr. *Lawrence Hide*. "I think the gent. that set this motion on foot, spake out of joy for her maj.'s grace and zeal to have performance of her promise. In that he wished it might be recorded in paper here or parchment, it is not to be intended but he meant also in our hearts, which remain no longer than we live: but records remain long, and will give a lively memory in ages to come. And therefore for that part of his motion I think it very good, and wish the clerk may do it accordingly."

Mr. *Comptroller*. "I think he that first moved this question, exceedingly forgot himself, and exceedingly detracted from her maj.; who, I know, out of her abundant love and grace to this house, hath taken such speedy course, as hath been delivered by my fellow-counsellor. With that affection she embraceth this house that in more familiar than princely sort, it hath pleased her to say, recommend me to the house

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with thanks for their promise and care for their common good."

Mr. *Speaker* said, "My heart is not able to conceive, nor my tongue to utter the joy I conceived of her maj.'s gracious and especial care for our good. Wherefore as God himself said, 'Gloriam meam alteri non dabo,' so may her maj. say, in that she herself will be the only and speedy agent for performance of our most humble and most wished desires. Wherefore let us not doubt but, as she hath been, so she still will be, our most gracious sovereign and natural nursing-mother unto us. Whose days the Almighty God prolong to all our comforts." All said *Amen*.

Nov. 27. Mr. *Secretary* declared, "That according to the direction of this house, her maj. hath been informed of the exceeding and inestimable joy and comfort, which this house hath received by a message, lately published, sent from her highness by mr. Speaker: and hath been likewise moved to signify her highness's pleasure touching the determination of this house, in appointing mr. Speaker, with some selected company of the same, to render the most humble and dutiful thanks of this whole house for the said message: and her gracious Answer was, That her maj. being acquainted with the said desires of this house, did vouchsafe that mr. Speaker with 40, 50, or 100 of this house, such as should thereunto be appointed, should have access unto her maj. for the same purpose, upon Monday next, and should be all welcome."—Whereupon were appointed the knights for all the shires, lord Howard, lord Clinton, all knights, members of this house, and several others.—Mr. Comptroller added, that the queen had commanded him to tell the house, "That the reason of her limitation of having a convenient number was, that the place whereunto we should come, was not big enough to receive us all."

*The Speaker's Speech.*] Nov. 30th, in the afternoon, the Speaker with about 140 of the commons met at the great chamber before the council room; when all being admitted into the said room, the queen sitting under a canopy at the upper end of it; the Speaker, after three low reverences made, spake as follows:

"Most sacred and more than most gracious Sovereign, We your faithful, loyal and obedient subjects and commons here present, vouchsafed of your especial goodness (to our unspeakable comfort) access to your sacred presence, do in all duty and humbleness, come to present that which no words can express, most humble and thankful acknowledgment of your most gracious message, and most bounden and humble thanks for your maj.'s most abundant goodness extended and performed to us. We cannot say, most gracious sovereign, we have called and been heard, we have complained and have been helped; though in all duty and thankfulness we acknowledge, your sacred ears are ever open, and ever bowed down to hear us, and your blessed hands ever stretched out to relieve us; we acknowledge (sacred sovereign) in all duty and thankfulness we acknowledge, that before we call, your preventing grace and all-deserving goodness doth watch over us for our good; more ready to give than we can desire, much less deserve. That attribute which is most proper unto God, to perform all he promiseth, appertaineth also unto you our most gracious sovereign queen of all truth, of all constancy, of all goodness, never wearied in doing good unto us; (the deeds themselves do speak) most careful to provide all good things for us; most gracious, most tender to remove all grievances from us, which all your princely actions have ever shewed, and even now your most gracious published proclamation, of your own only meer motion and special grace for the good of all your people, doth witness to us. We come not, sacred sovereign, one of ten to render thanks, and the rest to go away unthankful; but all of us in all duty and thankfulness, do throw down ourselves at the feet of your maj. do praise God and bless your maj. Neither do we present our thanks in words of any outward thing, which can be no sufficient retribution for so great goodness; but, in all duty and thankfulness, prostrate at your feet, we present our most loyal and thankful hearts, even the last drop of blood in our hearts, and the last spirit of breath in our nostrils, to be poured out, to be breathed up for your safety."—Then after three low reverences made, he with the rest kneeled down, and her maj. began thus to answer herself, viz.

*The Queen's Answer.*] "Mr. Speaker, we have heard your declaration, and perceive your care of our state, by falling into the consideration of a grateful acknowledgment of such benefits as you have received; and that your coming is to present thanks unto us, which I accept with no less joy than your loves can have desire to offer such a present. I do assure you, that there is no prince that loveth his subjects better, or whose love can countervail our love; there is no jewel, be it of never so rich a price, which I prefer before this jewel, I mean your love; for I do more esteem it than any treasure or riches; for that we know how to prize, but love and thanks I count inestimable. And though God hath raised me high, yet this I count the glory of my crown, that I have reigned with your loves. This makes me that I do not so much rejoice, that God hath made me to be a queen, as to be a queen over so thankful a people. Therefore I have cause to wish nothing more than to content the subject, and that is a duty which I owe. Neither do I desire to live longer days, than that I may see your prosperity, and that is my only desire. And as I am that person that still, yet under God, hath delivered you; so I trust, by the Almighty power of God, that I still shall be his instrument to preserve you from envy, peril, dishonour, shame, tyranny and oppression, partly by means of your intended helps, which we take very acceptably, because it manifesteth

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the largeness of your loves, and loyalties unto your sovereign. Of myself I must say this, I never was any greedy, scraping grasper, nor a strait fast-holding prince, nor yet a waster; my heart was never set on worldly goods, but only for my subjects good. What you do bestow on me, I will not hoard it up, but re-receive it to bestow on you again. Yea, mine own properties I count yours, to be expended for your good. Therefore render unto them from me, I beseech you, mr. Speaker, such thanks as you imagine my heart yieldeth, but my tongue cannot express." All this while they kneeled. Whereupon her maj. said, "Mr. Speaker, I would wish you and the rest to stand up, for I shall yet trouble you with longer speech." So they all stood up, and she went on in her speech. "Mr. Speaker, you give me thanks, but I doubt me, I have more cause to thank you all, than you me: and I charge you to thank them of the house of commons from me: for had I not received a knowledge from you, I might have fallen into the lap of an error, only for lack of true information. Since I was queen, yet never did I put my pen to any grant, but that upon pretext and semblance made unto me, that it was both good and beneficial to the subjects in general, though a private profit to some of my ancient servants who had deserved well: but the contrary being found by experience, I am exceeding beholding to such subjects as would move the same at first. And I am not so simple to suppose, but that there be some of the lower house whom these grievances never touched; and for them I think they speak out of zeal to their countries, and not out of spleen or malevolent affection, as being parties grieved; and I take it exceeding grateful from them, because it gives us to know that no respects or interests had moved them, other than the minds they bear to suffer no diminution of our honour, and our subjects love unto us. The zeal of which affection, tending to ease my people and knit their hearts unto me. I embrace with a princely care; far above all earthly treasure I esteem my people's love, more than which I desire not to merit. That my grants should be grievous to my people, and oppressions to be privileged under colour of our patents, our kingly dignity shall not suffer it; yea, when I heard it, I could give no rest to my thoughts until I had reformed it. Shall they think to escape unpunished, that have thus oppressed you, and have been respectless of their duty, and regardless of our honour? No. Mr. Speaker, I assure you, it is more for conscience-sake, than for any glory or increase of love, that I desire these errors, troubles, vexations and oppressions done by these varlets and lewd persons, not worthy the name of subjects, should not escape without condign punishment. But I perceive they dealt with me like physicians, who ministering a drug make it more acceptable by giving it a good aromatical savour, or when they give pills do gild them all over. I have ever used to set the last judgment day before mine eyes, and so to rule as I shall be judged to answer before a higher judge. To whose judgment seat I do appeal, that never thought was cherished in my heart that tended not to my people's good. And now if my kingly bounty hath been abused, and my grants turned to the hurt of my people, contrary to my will and meaning; or if any in authority under me, have neglected or perverted what I have committed to them, I hope God will not lay their culps and offences to my charge; and though there were danger in repealing our grants, yet what danger would not I rather incur for your good, than I would suffer them still to continue? I know the title of a king is a glorious title; but assure yourself, that the shining glory of princely authority hath not so dazled the eyes of our understanding, but that we well know and remember, that we also are to yield an account of our actions before the great judge. To be a king and wear a crown is more glorious to them that see it, than it is pleasure to them that bear it. For myself, I was never so much enticed with the glorious name of a king, or royal authority of a queen, as delighted that God hath made me his instrument to maintain his truth and glory, and to defend this kingdom (as I said) from peril, dishonour, tyranny and oppression. There will never queen sit in my seat with more zeal to my country, or care to my subjects, and that will sooner, with willingness, yield and venture her life for your good and safety than myself. And though you have had, and may have, many princes more mighty and wise, sitting in this seat, yet you never had, or shall have, any that will be more careful and loving. Should I ascribe any thing to myself and my sexly weakness, I were not worthy to live then, and of all most unworthy of the mercies I have had from God, who hath ever yet given me a heart which never yet feared foreign or home enemies. I speak it to give God the praise as a testimony before you, and not to attribute any thing unto myself: for I, O Lord, what am I, whom practices and perils past should not fear! O what can I do (these she spake with a great emphasis) that I should speak for any glory! God forbid. This, mr. Speaker, I pray you, deliver unto the house, to whom heartily recommend me. And so I commit you all to your best fortunes, and further councils. And I pray you, mr. Comptroller, mr. Secretary, and you of my council, that before these gentlemen depart into their countries, you bring them all to kiss my hand."

*Great Increase of Subsidies.*] Dec. 5, the Bill for granting four entire Subsidies and eight 15ths and 10ths was read a 3d time; passed upon the question, without any opposition; and concluded in the Lords on the 15th. Upon these Subsidies, which were monstrous things in those days; we cannot avoid giving a note, which sir Symonds D'Ewes makes on this occasion. "Nota, That whereas in the parl.

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which was begun and holden at Westminster, 35 Eliz. 1592, the knights, citizens and burgesses of the House of Commons were not drawn without much and long dispute, both amongst themselves and with the Lords, to yield unto the Grant of 3 Subsidies and six 15ths and 10ths (being a greater gift than had ever before been given unto her maj.) and that the same was then also assented unto in respect of the great dangers newly threatened unto her maj. from Rome and Spain; with caution and promise, nevertheless, that it should not be drawn into precedent for future times; yet in the next parl. which ensued in 39 Eliz. 1597, although none of the said imminent dangers, which had been feared in the abovementioned 35th year of her maj.'s reign; had to that time come into any real execution, the House of Commons was, notwithstanding, again drawn to yield unto the same proportion of 3 Subsidies and six 15ths and 10ths, to be paid also unto her maj. within a shorter time: and now, lastly, in this present parl, 43 and 44 Eliz. 1601, the said House was drawn, in respect chiefly of the troubles of Ireland, where the Spaniard had set footing, to present unto her highness the extraordinary and great gift of 4 Subsidies and eight 15ths and 10ths."

*Debate on a Bill against profane Cursing and Swearing.*] A bill against usual and profane Cursing and Swearing, having been twice read in this house, and ordered to be engrossed, mr. Glascock stood up and said, "Man is made of two parts, a soul and a body; and there are two governments, the one imperial, the other sacerdotal; the 1st belonging to the Common-Wealth, the 2d to the Church. Swearing is a thing moral, and toucheth the soul, and therefore fitter to be spoken of in a pulpit than in parl. If the God of Abraham, the God of Isaac, and the God of Jacob hath sworn, his plague shall not depart from the house of the Swearers, why should we not seek to repress this vice, which brings a plague, which breeds mortality, that breeds destruction, desolation, and the utter ruin of the common-wealth? If he forbids us to swear, and we fear not his commandments, think you a pain of 10s. as here set down, will make us refrain this iniquity? It is as hard for this penalty to restrain this sin, as for religion to spring out of the common law and to take effect. Moses, when he saw God, could but see his back parts only, and no man ever saw more. Why, these Swearers swear by all his parts, so perfectly, as though they had seen him all over. Philip, king of France, made a law that the Swearer should be drowned; another law was made, that a certain sum should be presently paid as soon as he had sworn, or else the Swearer to lose his head. We use so much lenity in our laws, that we had as good make no law, for we give a penalty, and to be taken upon conviction before a justice of peace; here is wise stuff. First mark what a justice of peace is, and we shall easily find a gap in our law. A justice of peace is a living creature, that for half a dozen of chickens, will dispense with a whole dozen of penal statutes. We search and ingross; they retail. These be the basket-justices, of whom the tale may be verified of a justice, that I know, to whom one of his poor neighbours coming, said, 'Sir, I am very highly rated in the Subsidy-book, I beseech you to help me.' To whom he answered, 'I know thee not.' 'Not me sir,' quoth the country-man? 'Why your worship had my team, and my oxen such a day, and I have ever been at your worship's service;' 'have you so,' quoth the justice, 'I never remembered I had any such matter, no not a sheep's-tail.' So unless you offer sacrifice to the idol-justices, of sheep and oxen, they know you not. If a warrant come from the lords of the council to levy 100 men, he will levy 200; and what with chopping in and crossing out, he will gain 100l. by the bargain. Nay, if he be to send out a warrant, upon a man's request, to have any fetched in upon suspicion of felony, or the like; he will write the warrant himself, and you must put 2s. in his pocket as his clerk's fee, (when God knows he keeps but 2 or 3 hindes) for his better maintenance. Why we have had here 5 bills; of Swearing, going to Church, Good-Ale, Drunkenness and .... this is as good to them as if you had given them a Subsidy and two 15ths. Only in that point I mislike the bill, for the rest I could wish it good passage."

Sir *Francis Hastings* said, "That such justices were well worthy to be locked up in an ambery. But he wished that all might not be censured for one evil, who though he neglected both the care of conscience and country which he should love, yet, doubtless, many did not so; as being touched in conscience to remember that our long peace should make us careful to please him in doing of justice, that had preserved us, and was the author of our peace, God himself." And thereupon the bill was ingrossed.

*Debate on a Bill for resorting to Church.*] A bill for the more diligent Resort to Church upon Sundays, was read a 2nd time, when

Mr. *Roger Owen* spoke to this effect: "That he misliked the bill for two respects; the one for the penalty, the other in respect of the party punishing, that is, the justice. For the first, the penalty is 12d. It is well known that the poorest recusant in England ought, as well as the rich, to pay his 20l. and for want of lands and goods, his body is liable; and therefore we shall doubly punish him, which is against law. For the other, touching the justice, I think it too great a trouble, and they are ever loaden with a number of penal statutes, yea, a whole alphabet, as appears by Hussey in the time of Henry VII. And this is a matter so obvious, that a justice of peace's house will be like a quarter-sessions, with the multitude of these complaints. I think also it is an infringement of Magna Charta, for that gives trial 'per pares,' but this by two witnesses before a

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justice of the peace. And by this statute, if a justice of the peace come into the quarter-sessions, and say it is a good oath, this is as good as an indictment: therefore for my part, away with the bill."

Sir *Francis Hastings.* "I never, in my life, heard justices of the peace taxed before in this sort: for ought I know, justices of peace be men of quality, honesty, experience and justice. I would ask the gent. that last spake, but two questions; the 1st, If he would have any penalty at all inflicted? The 2nd, If in the first statute, or in this, an easier way for the levying of this 12d. can be? If he deny the first, I know his scope; if the 2nd, no man but himself will deny it. And to speak so in both, is neither gravely, religiously nor rightly spoken. And therefore for God, the queen, and our country's sake, I beseech a commitment."

Sir *Carew Reynolds.* "The sabbath is ordained for four causes; 1st, to meditate on the omnipotency of God; 2ndly, to assemble us together to give thanks; 3rdly, that we might be the better enabled to follow our own affairs; 4thly, that we might hallow that day and sanctify the same. King James IV. of Scotland, in the year 1512, and king James VI. in the year 1579, did erect and ratify a law, that whosoever kept either fair or market upon the sabbath, his moveables should presently be given to the poor. Men gathering of sticks were stoned to death, because that was thought to be a kind of prophanation of the sabbath. I doubt not but great reformation will come if this bill pass: to the better effecting whereof, I humbly pray, that if there be imperfections in it, it may be committed."

Sir *George Moore.* "For the gent. that last spake, and so much inveighed against justices, it may be it proceeds out of the corruption of his heart; howsoever, I mean not to search it, or answer him; only I turn him to Solomon, and mean to answer him with silence. Without going to Church, and doing christian duties, we cannot be religious, and by religion we learn both our duty to God and to the queen. In doing our duty to God, we shall be better enabled to do our duty to our prince. And the Word biddeth us, that we should give to God that which is due to God 'et Cæsari quæ sunt Cæsaris.' Amongst many laws which we have, we have none for constraint of God's service: I say, none, though one was made in primo of this queen, because that law is no law which takes no force; for 'executio legis vita legis.' Then let us not give such cause of comfort to our adversaries, that having drawn a bill in question for the service of our God, we should stand so much in questioning the same. Once a month coming to church excuseth us from danger of the law, but not from the commandment of God, who saith, 'Thou shalt sanctify the Sabbath day, that is, every Sabbath. This bill ties the subject to so much and no more, which being agreeable with the law of God, and the rule of policy, I see no reason why we should stand so strictly in giving it a commitment."

Mr. *Bond.* "I wish the Sabbath sanctified according to the precise rules of God's commandment, but I wish that st. Augustin's rule may be observed in the manner, 'non jubendo, sed docendo, magis monendo quam minando,' I like not that power should be given to the justices of peace; for who almost are not grieved at the luxuriant authority of justices of peace? By the statute of 1 Edw. III. they must be good men, and lawful, no maintainers of evil, but moderate in execution of laws; for magistrates be men, and men have always attending on them two ministers, 'libidia et iracundia;' men of this nature do subjugate the free-born subject. Clerks can do much, children more, and wives most. It is dangerous therefore to give authority in so dangerous a thing as this is, which I hold worth your second thoughts, 'quæ solent esse prudentiores.' Her maj. during all the time of her reign, hath been clement, gracious, meek, and merciful, yea, chusing rather 'delinquere,' I know not how to term it, in lenity and not in cruelty. But, by this statute, there is a constraint to come to Divine Service, and for neglect all must pay. 'Plectentur achivi:' the poor commonalty, whose strength and quietness is the strength and quietness of us all, he only shall be punished, he vexed. For will any think that a justice of peace will contest with as good a man as himself? No, this age is too wise. I leave it to this house, whether it stand with policy, when four Subsidies and eight 15ths be now granted, to bring the poorer sort into greater fear by these and such like laws, 'Malus custos diuturnitatis metus.' And in the gracious speech, which her maj. lately delivered unto us, she used this, that she desired to be beloved of her subjects. It was a wise speech of a wise prince, for an historian saith, 'Timor excitat in vindictam.' Therefore, mr. Speaker, I mislike the bill in that point touching justices, and also touching taxation. I will only say thus much with Panutius in the Nicene council, 'Absit quod tam grave jugum fratribus nostris imponamus."

Mr. *Comptroller*, said, "I am sorry, after 43 years under her maj.'s happy government, that we shall now dispute to commit a bill of this nature. And I would that any voice durst be so bold or desperate as to cry, 'Away with this bill.' The old statute gives the penalty; this new, only speedier means to levy it. I much marvel that men will, or dare, accuse justices of peace, ministers to her maj. without whom the commonwealth cannot be. If this boldness go on, they will accuse judges, and lastly, the seat of justice itself. That all justices should be thus generally accused, this is meer barbarism indeed. When her maj. shall have understanding hereof, it will be no content unto her, and a scandal unto us all."

Mr. *Glascock.* "In that I am taxed to tax justices of peace, I am to pray the house to give me leave to make an apology for myself.



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Mr. Speaker, I will not deny that I spake, and protest it in my conscience, I spake only of the inferior sort of justices, commonly called basket-justices; against these I will not speak what I spake last, but other matter in other terms. They be like the wise men of Chaldee, that could never give judgment till they saw the entrails of beasts. Our statutes penal, be like the beast born in the morning, at his full growth at noon, and dead at night: So these statutes quick in execution, are like a wonder for nine days; so long after, they be at height; but by the end of the year, they are carried dead in a basket to the justice's house."

Mr. *Speaker*. "Mr. Glascock, you speak from the matter and purpose, and this that you have spoken you must justify."

Mr. *Martin*. "I am rather willing to speak, in that I would willingly have an end of this matter. I think we all agree upon the substance, that it is fit the sabbath should be sanctified. The other matter, which is the impediment, I know it is a grief, but I leave it as matter more fit to be decided at a committee than here. And therefore, for the honour of the queen and of her govt. I wish it may be committed without further argument."

Sir *Robert Wroth*. "I think the office of justice of peace is too good a calling for him that exclaims against it, and I think he will never have the honour to have it. It were good they were named, and that he told who they were; otherwise honest men will be loth to serve the queen, when they shall be slandered without proof. Therefore I would he might answer it at the bar."

Mr. *Johnson*. "This bill is an excellent bill; and I have observed that all the speeches yet spoken, have been interlarded with other matter. The gent. now protesteth he spake of basket-justices; I appeal to the whole house, whether his definition were not general, viz. 'A justice of peace is a kind of living creature, that for half a dozen of chickens will dispense with a dozen of penal statutes.' I think it is well known that the hon. that sit about the Chair, and all the rest of her maj.'s privy council, have and do hold the same place, and this toucheth them as much inferior justices. And therefore I humbly pray he may answer it at the bar, and that it may not be passed over with silence."—But all said, No, No.

Mr. *Hide*. "Every man agrees this bill hath good matter, and we all agree and consent to the substance, though dissent to the form; some have more wit, and some have more understanding than others. If they of meaner capacity and judgment spake impertinently, let us not in a spleen straight cry, 'Away with the bill,' but let us give it the same favour we give to bills of far inferior nature, that is a commitment."—Accordingly the bill was committed.

*Complaint against Pirates from Dunkirk, &c.*] Dec. 3rd, Mr. *Dannet*, member for Yarmouth, got up and said:—"May it please you, mr. Speaker, the duty I owe to my sovereign and country makes me bold to crave your patience to hear me. The matter that I speak of is twofold, the 1st concerneth the honour of the queen; the 2nd the safety of our country; two very high points for me to handle, and require a more eloquent discourse than I am able to make. I will use no circumstance, or with superfluous matter abuse the time which is very precious, but to the matter. I have been of the parl. 5 or 6 times, and I have always observed by this house (and I would willingly be resolved by the honourable about the Chair) that all the wars of her maj. are wars offensive, and I do not hear the contrary: how then comes it that such a number of her maj.'s subjects be spoiled, robbed, beaten, wounded, themselves taken, used with such extreme torture, racked, carried away, imprisoned, ransomed, fined, and some executed; and all this time no wars? But, give me leave, for these ten years, I am sure, the subjects of this land, on the sea-coast, have undergone these tyrannies, and by whom? Even by two base towns, Dunkirk and Newport. Dunkirk began with two ships, and are now encreased to almost 20. They are at home at supper, and the next day here with us. I must needs confess the great charge that I know the lord-admiral is at continually by lying ready to take these pirates. Send to take them, they straight fly home: if our ships return they are straight here again. I dare boldly say it, they have done England more hurt since they began, than all France, either in the time of Hen. VIII. Edw. VI. or queen Mary. If it be so that these two base towns shall so affront the power of this land, I see no reason why they should be suffered: for it is a great dishonour both unto the queen and unto the kingdom. I have heard many say, that the navies are the walls of the kingdom; but we suffer our ships still to be destroyed, to be burnt, and to be sunk before our faces. We may compare our seamen to sheep feeding upon a fair mountain, in the midst whereof stands a little grove full of wolves: why, mr. Speaker, we are so plagued with them, that they be so bold, as now and then to take our harvest-men tardy, by ambuscadoes. I speak with grief, and it was reported unto me by a Scottish man, that duke Albert and the Infanta should plainly publish, that they would pull down so many of the walls of England, that they would easily make an entry. And it had been better for sea-coast men to have given the queen an hundred Subsidies, that they had been long since suppressed. My humble motion is, That it would please the house to enter into consideration of these things, for the honour, good, and safety, both of the queen and of the kingdom."

Mr. *Peake*. "I must needs shew unto this house (upon so good an occasion offered) how grievously the town of Sandwich, for which I serve, is vexed and almost undone; insomuch, as in that town there is neither owner, master, or mariner, that hath not felt it. Her maj. is continually at charge, but what ensueth or cometh of it, I never yet knew. If in the county of Kent at Shooter's-hill, Gadd's-hill,

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Barham-down, &c. there should many and ofter robberies be committed, and the justices look not to it, this were but an ill part. Every day men come home, their goods and all they have taken away, yea their very apparel; and if the ships might also be carried away, they would do it. This should be amended and looked into. We had need to cherish this subject; I think him to be the best and most necessary member of the commonwealth, I mean the navigator."

Mr. Secretary *Cecil.* "My speech shall only tend to advance the motion of the gent. that spake first in this point. If we would have remedy, we are to consider two things; 1st, That it will be a matter of charge; and 2ndly, That there must be a distribution thereof. For the 1st, I leave it to you; for the 2nd, it is out of my element. Withal I must excuse them that have authority to remedy this; for unless you would have a continual charge unto her maj. by having ships lying betwixt us and Dunkirk, it is impossible but that at some times these robberies will be committed. I could very well agree to bring this motion to some head, being a matter, in mine opinion, very considerable in a committee." And all said, Ay, ay, ay.

Mr. *Dannet.* "I would only move the house that some masters of ships and seamen might be sent for to attend at the committee."—Whereupon it was ordered to be considered of and referred to committees, viz. all the privy council being members of this house, the queen's learned council being of this house, sir Walter Raleigh, the burgesses for ports and sea-faring towns, and others.

*Further Debate on the Bill for resorting to Church.*] Dec. 12th, the bill for coming to Church on Sundays was read a 3rd time; and another debate arose upon it.

Mr. *Bond.* "This bill as it is now ingrossed, much differeth from the first which was here presented, which I the better like of. Notwithstanding, in my opinion, the bill is altogether needless, and divers reasons move me to think it both inconvenient and unnecessary. Every evil in a state is not to be met with in a law; and as it is in natural, so it is in politic bodies, that sometimes the remedy is worse than the disease. And therefore particular laws against particular offences induce novelty, and in novelty contempt. If this bill passeth, there will be two imputations happen to the state, which wisdom wills us both to foresee and shun: the 1st an infamy to our ministers, that our adversaries may say, This is the fruit of your labour to have preached away your audience out of the church: the 2d no less, but rather a greater imputation upon our abps. and other ecclesiastical governors, that they be either remiss in their authority, or else that their prerogative hath not so much power as a twelvepenny fine. And, doubtless, these imputations cannot be avoided, if we give the Jesuits such head, scope and comfort, as they, in their writings, greedily apprehend. I do, mr. Speaker, conceive great difference betwixt 1 Eliz. when time was, and this law of 44 Eliz. as now it is. Then the people were newly taken from massing and superstition: now they are planted in truth, and rooted in religion. The light did then scarce appear unto them, which now shineth with glorious beams upon our teachers and ecclesiastical judges. Suppose that a neglector of church service comes to the sessions there to be examined, alledging an excuse; many businesses so concern the doer not to be known, that to speak truth would be a wound unto his conscience; and to say his business, was a meer mockery; and to say an untruth, an apparent danger. If this law may stand for a law, methinks I foresee what breach of charity will happen. Say there be 40 in a town absent, the churchwarden presents some and not others: it will be objected unto him, Wherefore should I be presented and not he? Why, my wife, my son, my servant, my friend, not his? &c. Will not this be a great breach to unity and peace? just prosecution will be infinitely cumbersome, and partial connivance subject to quarrel. Notwithstanding this statute, we leave power to the ecclesiastical judge, whose course is to proceed to excommunication, and so an 'excommunicato capiendo' must be had. This is as great a charge as the indictment in the statute 1 Eliz. In this statute a witness or two must be brought to the sessions, he must be presented to the grand jury, and so indicted; this will cost 5s. a noble or 10s. which is as much as the charge in the first statute. So because this bill is scandalous to the clergy, scandalous to the state, repugnant to charity and 'crambe recocta;' I humbly pray it may be rejected."

Sir *Francis Hastings.* "I shall speak upon great disadvantage; I perceive this member of our house hath taken studied pains to disturb the passage of this bill. To which I shall not so well answer, because I cannot so well carry away the particulars of this politic, but not religious discourse. If it be religion to be obedient at pleasure; if I could be zealous to-day, and cold to-morrow, I could subscribe to all that he hath said. We cannot do a more acceptable thing to God, or a more dutiful service to the state, than bring men to fear God. Religion and policy may well stand together: but as that policy is most detestable which hath not religion to warrant it, so is that religion most happy which hath policy to back and maintain it. I know the Jesuits and priests be out of square, and be at a jarr amongst themselves: I pray God it be not to make a breach among us, who be yet in unity. Wit well applied is a profitable thing; but ill applied, dangerous, in whomsoever doth abuse it. There is no man of sense and religion, but thinketh that he is far from religion," pointing at mr. Bond, "that spoke last. First, he said, it would be an imputation to our ministers. That speech was both absurd in judgment, and slanderous in uttering: as though by the ministers of the

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Word we were loth to hear of our sins, or reconcile ourselves to God. The 2d, that it was an imputation on abps. bps. &c. I am so far from blaming their govt. that I renounce that position. I am very sorry that the strength of their authority stretcheth not so far as I could wish it in this point. But methinks this law should rather be a credit to the ministry, that now we having gone to Church these 43 years ourselves, are so fervent in religion, that we desire also that others may do the like. I beseech you, give me leave to wipe off a grievance, which, it seems, the gent. that last spake imputeth unto me. He hath made a protestation that he is no papist: I appeal to you all if I said he was. And I say he is no puritan, if he be not a papist; for if ever there be a puritan in England, it is a papist."

Dr. *Bennet* shewed, "That there were 1300, nay 1500 recusants in Yorkshire, which he vouched, upon his credit, were presented both in the ecclesiastical court, and before the council at York."

Sir *Robert Wroth* shewed, "That he had a proviso ready ingrossed, the substance whereof was, "That if any man came 8 times a year to the Church, and said the usual divine service twice every Sunday and holiday in his house, with his whole family, that should be a sufficient dispensation." This was utterly misliked: yet divers, which were desirous to overthrow the bill, went forth with the proviso, because they would have it joined with the bill to overthrow it. Whereupon the house was divided, and upon division it appeared thus; Ayes 126, Noes 85. So the proviso passed. Then it was put to the question for the bill, but then divers reasons were shewed, Mr. Bond's two reasons of prejudice to ministers and the clergy, and the danger by breach of charity; that the information was a thing contrary to Magna Charta; that there might be a conviction without inquiry.

Sir *Walter Raleigh* shewed, "That all the Church-Wardens of every shire must come to the assizes to give information to the grand-jury: say then there be 120 parishes in a shire, there must now come extraordinary 240 church-wardens: and say that but two in a parish offend in a quarter of a year, that makes 480 persons with the offenders to appear; what great multitudes this will bring together, what quarrelling and danger may happen, besides giving authority to a mean church-warden, how prejudicial this may be, &c. with divers other reasons against it. As also some ambiguities and equivocations therein; the proviso newly added being a plain toleration from coming to Church; and that the parson could not present or constrain any if they said service at home."

So it was put to the question, the Ayes went forth and were 105, and the Noes within 106; but then the Ayes said they had mr. Speaker's, which would make it even. And then it grew to a question, whether he had a voice. Sir Edw. Hobby, who was of the Aye side, said, "That when her maj. had given us leave to chuse our Speaker, she gave us leave to chuse one out of our own number, and not a stranger, a citizen of London and a member; and therefore he hath a voice." To which it was answered by sir Walter Raleigh, and confirmed by the Speaker himself, "That he was foreclosed of his voice by taking that place, which it hath pleased them to impose upon him; and that he was to be indifferent for both parties: and withal shewed, that, by order of the house, the bill was lost."

Mr. *Bowyer* said, "I think it not lost, for there hath been foul and great abuse offered in this matter. A gent. that would willingly go forth according to his conscience, was pulled back: though I much reverence my Masters of the Temple, and am bound to our Benchers of the Middle-Temple, yet if it will please the house, and you, mr. Speaker, to command me to name him, I will." The greater voice said No; yet mr. sec. Cecil willed him to name him, and he said, "It was Mr. Dale of the Middle-Temple."

Sir *Walter Raleigh*. "Why, if it please you, it is a small matter to pull one by the sleeve, for so I have done myself oftentimes." —And great loud speech and stir there was in the house.

Mr. *Comptroller*, after silence, said, "It is a most intolerable disorder. I think the offence is a heinous offence, both against God and this assembly. For the 1st, in that every man is to go according to his conscience, and not by compulsion; and for the other gent. sir Walter Raleigh, that said he had often done the like, I think he may be ashamed of it; for large is his conscience, if in a matter of so great consequence he will be drawn either forwards or backwards by the sleeve; and I think it so heinous, that he deserves to answer it at the bar" (meaning mr. Dale, but because sir Walter Raleigh was last named, it was taken to be meant of him.)

Mr. Secretary *Cecil*. "I am sorry to see this disorder, and little do you know how for disorder this parl. is taxed, I am sorry I cannot say slandered. I had hoped as this parl. began gravely and with judgment, so we should have ended modestly, and, at least, with discretion. I protest I have a libel in my pocket against the proceedings of this parl. The offence which the gent. that last spake, spoke of, I confess is great and punishable; and this I wish may be inflicted on him, that he, whose voice may be drawn either forwards or backwards by the sleeve, like a dog in a string, may be no more of this house; and I wish for his credit's sake he would not. But that it should be so great to be called to the bar, I see no reason; neither do I know why any in this house should speak so imperiously, as to have a gent. of his place and quality," pointing to sir Walter Raleigh, "called to the bar, I see no reason for it: for the matter itself, the Noes were 106, and the Ayes 105, the Speaker hath no

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voice; and though I am sorry to say it, yet I must needs confess, lost it is, and farewel it."—And so the house rose confusedly.

*Debate on a Bill relating to Soldiers, &c.*] Dec. 16. a bill concerning Captains, Soldiers, and Mariners, was read the 2nd time; and, by reason of the generality of the bill, it was much excepted against by sir W. Raleigh, and others.

Mr. *Glascock* said, "Mr. Speaker, I have something touching this bill to deliver to the house, in discharge of my conscience. And I do humbly and heartily pray you all, to hear me patiently and quietly, without interruption. I have been observed, mr. Speaker, to be an enemy to justices of the peace, and to have spoken irreverently, and much against them: for my own part, I mind now to make my last speech for this parl. and this protestation withal: that I never used any irreverent language towards those, whose honesty joined with their authority, and make themselves famous, under the title of upright justices. My speech was never uttered against them, but against two sorts of justices, that have authority at the commission of musters; (for all within the county are authorized generally by the word justices) by whom I would be loth to be yoaked, or commanded. The first is, the uncircumcised justice of peace; the other, the adulterating justice of peace. The uncircumcised justice is he, who from base stock and lineage, by his wealth, is gotten to be within the commission. And I call him uncircumcised, because he hath not cut off the foreskin of his offences; and so by his virtue, wiped away the blot or stain of baseness in his birth and lineage.—The adulterating justice is he, that is a gentleman born, virtuous, discreet, and wise; yet poor and needy. And so only for his virtues and qualities, put into the commission. This man, I hold unfit to be a justice, though I think him to be a good member in the commonwealth. Because I hold this for a ground infallible; that no poor man ought to be in authority; my reason is this, he will so bribe you, and extort you, that the sweet scent of riches and gain, takes away and confoundeth the true taste of justice and equity. For the scripture saith, 'Munera excœtant oculos justorum;' and justice is never imprisoned and suppressed, but by bribery. And such kind of ministers I speak of. And I call him an adulterating justice; because look how many bribes he taketh, so many bastards he begets to the commonwealth. —Then let us see, whence these justices do come, and how they be made. It cannot be denied, but all justices are made by the lord keeeper; then he is in fault, and none else. For my own opinion, I have ever held him to be a man both honourable, grave and wise; so just, that never was the meanest subject so wronged that he ever complained. Therefore, his justice cannot be taxed. Aye, but his care may, for he only maketh them. No, I may more easily excuse him, than ourselves; for he maketh none, but such as have certificates commendatory from the justices of assize. Why then, they be in fault; for impossible it is, my lord keeper should know the quality and sufficiency of them himself, but only 'per alium,' in trust, as by the justices of assize. No, the gall lies not there; for they neither (by reason they are not always riding one circuit) are well acquainted with the natures of those justices; but when any desireth to be a justice, he getteth a certificate from divers justices of the peace in the country, to the justices of assize, certifying them of their sufficiency and ability. And they again make their certificate (believing the former) to the lord keeper, who at the next assizes, puts them into commission. And thus is the lord keeper abused, and the justices of assize abused, and the country troubled with a corrupt justice, put in authority.—The cause comes only from the justices themselves. And who be they? Even all of you here present, or most of us. My suit, therefore is, that you will abstain from such commendations, and hold your hands from writing iniquity, and doing so sinful a deed, as to commend an unworthy person, and not to commend a worthy and deserving subject. And I think this a position both true and public, that it is as great a sin to add to the unworthy, as to detract from the worthy. And, mr. Speaker, if these men may be excepted out of the bill, I will not only be ready to go, but to run forth to have so good a law established." Then

Mr. *Townshend* shewed, "That in too much generality, there never wanted error. And so in this bill, being too general, namely, all from the age of 18 to 60, must appear at musters, and may be prest; no exception of any, and therefore no profession exempted. It is not unknown unto you, that by profession, I am a lawyer, and therefore unfit to be a professor of the art of war. Therefore, I pray, that it would please the house, if they would commit the bill, to commit it to be returned on the last day of the next parl.; or else, that, as a worthy gent. (serj. Heale) the last parl. in a bill of this nature moved, to have an exception or proviso for all serjeants; it would please you to admit of a proviso for all lawyers."—At which the house laughed heartily; and the bill was dropped.

*Sir Francis Hastings's Speech for reforming Abuses.*] The next day the Speaker having taken notice, that the parl. was likely to end next Saturday, sir *Francis Hastings* stood up and said, "Mr. Speaker, because I see the house at so good leisure, I will be bold to remember some matters passed this parl. and deliver my opinion, with desire of reformation: I mean not to tax any man.—Divers speeches have been used concerning justices of the peace, so slanderous and defamatory; with so unwonted epithets, with such slanderous definitions; a testimony of levity for the one, and scant sound judgment for the other.—And therefore, I do humbly pray the hon. here present, that those justices which serve religiously, dutifully, and carefully, may be countenanced.

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—The church and commonwealth are two twins, which laugh and live together. Long have we joyed in her maj.'s happy govt. and long may we. We have two strong enemies, Rome and Spain; from thence all our rebellions have proceeded, and, by treasons hatched there, the sacred life of our sweet sovereign hath been sought and endangered. The boldness of the Jesuits, and Seminaries, is greatly increased, and they be very diligent to pervert; which their often and ordinary published pamphlets, to every man's view, well testifieth, and apparently sheweth the perverseness of their spirits, and corruptness of their hearts. And the multitude being perverted, what danger this may breed to the state, and our sovereign queen, judge you. For my part, I am, and will be ready to lay my life at her feet, to do her service; we had need to have special care of them, for themselves do brag they have forty thousand true hearted Catholics (for so they call them) in England; besides, their retinue, poor Catholics and Neuters, and I know not what. It is therefore fit, we look to this dangerous case, and not to think ourselves secure, because we find no harm: for it is a true position, that security, without Providence, is most dangerous. I conclude only with this desire, that those who have supreme authority, will look that those who have inferior govt. may do faithfully; and that we may be kept in obedience."

*The Speaker's Speech to the Queen at the Close of the Session.*] Dec. 19th, the Queen, with divers lords spiritual and temporal, being set in the upper house in their parl. robes, between 2 and 3 in the afternoon, the Commons had notice thereof, and thereupon repaired thither with John Crooke, esq. recorder of London, their Speaker, who being placed at the rail, or bar, at the lower end of the said upper house, after he had made three reverences to her maj. sitting under a rich cloth of state, spake to this effect following:—"That laws were not at first made with humane pen, but by divine ordinance; that politic laws were made according to the evil conditions of men, and that all laws serve not for all times, no more than one medicine for all diseases; if he were asked, what were the first and chiefest thing to be considered, he would say, Religion. So religion is all in all, for religion breeds devotion; devotion breeds zeal and piety to God, which breedeth obedience and duty to the prince, and obedience of the laws, which breedeth faithfulness and honesty and love; three necessary and only things, to be wished and observed in a well-governed commonwealth. And that her maj. by planting true religion, had laid such a foundation upon which all those virtues were so planted and builded, that they could not easily be rooted up and extirpated. And therefore he did acknowledge that we will praise God and her maj. for it. And then he descended to speak of governments and laws of nations, among and above all which, he principally preferred the laws of this land, which he said were so many and so wise, that there was almost no offence but was met with in a law. Notwithstanding her maj. being desirous, for the good of her land, to call a parliament for redress of some old laws, and making some new, her dutiful and loving subjects having considerd of them, have made some new, and amended some old, which they humbly desire may be made laws by her most royal assent which giveth life unto them. And so after thanks given for the pardon, by which we dread your justice and admire your mercy, and a prayer unto her maj. that she would accept, as the testimonies of our love and duty offered unto her, with a free heart and willing spirit, 4 entire Subsidies and eight 15ths and 10ths, to be colllected of our lands and livelihoods; and having craved pardon for his offence, if either he had forgotten himself in word or action, he ended."

*The Lord Keeper's Answer.*] The *Lord Keeper* answered thus in effect. "First, as touching her maj.'s proceedings in the laws for her royal assent, that should be as God should direct her sacred spirit. 2dly, for your presentation of four subsidies and eight 15ths and 10ths; 3dly, your humble thankfulness for the pardon, for them and yourself; I will deliver her maj's commandment with what brevity I may, that I be not tedious to my most gracious sovereign. 1st, She saith, touching your proceeding in the matter of her prerogative, that she is persuaded subjects did never more dutifully; and that she understood you did but *obiter* touch her prerogative, and no otherwise but by humble petition; and therefore, that thanks that a prince may give to her subjects, she willingly yieldeth: but she now well perceiveth, that private respects are privately masqued under public pretence. 2dly, Touching the presentation of your subsidy, she specially regardeth two things, both the persons and the manner; for the 1st, she fell into commendations of the commonalty; for the 2d, the manner, which was speedy, not by persuasion or persuasive inducements, but freely out of duty with great contentment. In the thing which ye have granted, her maj. greatly commendeth your confidence and judgment; and though it be not proportionable to her occasions, yet she most thankfully receiveth the same as a loving and thankful prince; and that no prince was ever more unwilling to exact or receive any thing from the subject than she, our most gracious sovereign; for we all know she never was a greedy grasper nor strait-handed keeper; and therefore she commanded me to say, that you have done (and so she taketh it) dutifully, plentifully, and thankfully. For yourself, mr. Speaker, her maj. commanded me to say, that you have proceeded with such wisdom and discretion, that it is much to your commendations; and that none before you hath deserved more." And so he ended, after an admonition given to the justices of the peace, "That they would not deserve the epithets of prolling justices, justices of quarrels,

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who counted champerty good chevesance, sinning justices who do suck and consume the wealth and good of the commonwealth; and also against those who lie (if not all the year, yet) at least three quarters of the year in this city of London."—After all this, and the queen's royal assent given to 19 public and 10 private Acts, the lord keeper, by her maj.'s command, dissolved this parliament.

*Death of the Queen.*] We have now done with the last parl. of Queen Elizabeth, which she survived only about two years, dying in a good old age, at her manor of Richmond, March 24th, 1603, in the 44th year of her reign.

### *Taxes in the Reign of Elizabeth.*

In the first year of this queen's reign she had a subsidy of two 15ths and two 10ths; also tunnage and poundage was granted her for life.—In her 5th year she had a supply of one subsidy, two 15ths and two 10ths; besides a grant of 6s. in the pound from the provinces of Canterbury and York.—In her 8th, one 15th, one 10th, and a subsidy from the temporality; besides a subsidy from the clergy of 4s. in the pound.—In her 13th, she had a grant of two 15ths and 10ths, and a subsidy from the temporality; besides 6s. in the pound from the clergy.—In her 18th, a grant of a subsidy, and of three 15ths and 10ths; besides 6s. in the pound from the clergy.—In her 23d, another grant of a subsidy, and of two 15ths from the temporality; and 6s. 8d. in the pound from the clergy.—In her 26th, a grant of one entire subsidy; which was (according to Stowe) 2s. 8d. on goods, and 4s. on lands, and two 15ths from the temporality: also 6s. in the pound from the clergy.—In the 28th, one subsidy and two 15ths from the temporality, and one subsidy from the clergy of 6s. in the pound; besides which both houses joined in a benevolence of 2s. in the pound.—In the 30th, an act passed for granting four 15ths and two subsidies from the laiety: also two subsidies, of 6s. in the pound, from the clergy, to be paid yearly at 2s.—In her 34th, a grant of three subsidies, and six 15ths and 10ths, by the temporality; and two subsidies, of 4s. from the clergy.—In the 39th, three entire subsidies, and six 15ths and 10ths, from the temporality; and from the clergy, three subsidies of 4s. in the pound, to be paid at six several payments.—In her 43d, a grant of four entire subsidies and eight 15ths and 10ths, from the laiety; and four subsidies, of 4s. in the pound, from the clergy.

### *Price of Provisions in this Reign.*

In 1559, wheat, 8s.; rye, 8s.—In 1560, wheat, 8s.; rye, 8s.; barley, 5s. 2d.; oats, 5s.; old hay, 12s. 6d. per load; new hay, 6s. 8d.—In 1561, wheat, 8s.; rye, 8s.; malt. 5s.; oats, 5s. In 1562, wheat, 8s.; barley, 5s.; hay, 13s. 4d. per load; straw, 6s.; claret, 2l. 10s. per hogshead.—In 1563, rye, 13s. 4d.; oats, 5s.—In 1574, a dearth; and wheat was 2l. 16s. per quarter; beef, 1s. 10d. per stone; and herrings only five for 2d.; bay salt, (never so dear) 6s. the bushel. After harvest wheat was 1l. 4s. and continued so about a year.—In 1587, wheat was 3l. 4s. per quarter, at London; and, in other places, at 10s. 12s. and 13s. per bushel, occasioned by excessive transportation.—In 1594, wheat, 2l. 16s.; rye, 2l.—In 1595, wheat, by great transportation, 2l. 13s. 4d.; a hen's egg, 1d. or, at best, three for 2d.; a pound of sweet butter, 7d.—In 1596, wheat, by reason of great rains, at 4l. per quarter; rye, 2l. 8s.; oatmeal, 8s. the bushel.—In 1597, wheat was 5l. 4s. and fell to 4l. per quarter; rye from 9s. to 6s. per bushel, and then to 3s. 2d. and afterwards rose again to the greatest price. Bishop Goodwin says, wheat was once this year at 13s. 4d. per bushel.—In 1598, pepper, 8s. per pound; raisins, 6d.; Gascoygne wine, 2s. 8d. per gallon; sweet wine, 4s.—And, in 1603, ale and strong beer was settled, by act of parl. to be sold, in ale-houses, at one penny the quart, and small beer at two quarts for a penny.

### *List of Boroughs to which the Privilege of sending Representatives to Parliament was granted or restored by Queen Elizabeth.*

| | |
|---|---|
| Eastlow | Yarmouth |
| Tregony | Newport in the Isle of Wight |
| Fowey | Stockbridge |
| St. Germains | Newton |
| St. Mawes | Christ-Church |
| Kellington | Lymington |
| Beralston | Whitchurch |
| Corfe-Castle | Andover |
| Cirencester | Tamworth |
| Maidstone | Aldborough |
| Queenborough | Sudbury |
| Newtown | Eye |
| Clithero | Haslemere |
| East-Retford | Richmond |
| Bishops-Castle | Beverley |
| Minehead | |
| Boroughs - 31 | Members - 62 |

### *Acts passed in this Queen's Reign.*

1 Eliz.—1. An act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same. 2. For the uniformity of common prayer and service in the church, and the administration of the sacraments. 3. Of recognition of the queen's highness title to the imperial crown of this realm. 4. For the restitution of the first-fruits and 10ths, and rents reserved 'nomine decimæ,' and of parsonages impropriate, to the imperial crown of this realm. 5. Whereby certain offences be made treason. 6. For the explanation of the statute of seditious words and rumours. 7. To revive a statute made in the 23rd year of the reign of king Henry VIII. touching the conveying of horses, geldings, and mares into Scotland. 8. Touching shoemakers and curriers. 9. Touching tanners, and selling of tanned leather. 10. That the carrying of leather, tallow or raw hides, out of the realm for merchandizes shall

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be felony. 11. Limiting the times for laying on land merchandize from beyond the seas, and touching customs for sweet wines. 12. Against the deceitful using of linen cloth. 13. For the shipping in English bottoms. 14. For the continuance of the making of woollen cloth in divers towns in the county of Essex. 15. That timber shall not be felled to make coals for the burning of iron. 16. To continue the act made against rebellious assemblies. 17. For the preservation of spawn and fry of fish. 18. For the continuance of certain statutes. 19. Restraining bishops from making leases for above 21 years. (Private acts, c. 17.) 20. Of a subsidy of tonnage and poundage. 21. Of a subsidy, and two 15ths and 10th, granted by the temporalty. 22. Giving authority to the queen to make ordinances in collegiate churches and schools.

5 Eliz.—1. An act for the assurance of the queen's maj.'s royal power over all states and subjects within her dominions. 2. For the maintenance and increase of tillage. 3. For the relief of the poor. 4. Touching divers orders for artificers, labourers, servants of husbandry, and apprentices. 5. Touching certain politic constitutions made for the maintenance of the navy. 6. Against such as shall sell any ware for apparel without ready money. 7. Avoiding divers foreign wares made by handicraftsmen beyond the seas. 8. Touching tanners, curriers, shoemakers, and other artificers occupying the cutting of leather. 9. For the punishment of such persons as shall procure or commit any wilful perjury. 10. To revive a statute made anno 21 of Henry VIII. touching servants embezzling their masters goods. 11. Against the clipping, washing, rounding, or filing of coins. 12. Touching badgers of corn and drovers of cattle to be licenced. 13. For the reviving of a statute made the 2nd and 3rd of Philip and Mary, for the amending of highways. 14. Against the forging of evidences and writings. 15. Against fond and fantastical prophecies. 16. Against conjurations, enchantments and witchcrafts. 17. For the punishment of the vice of buggery. 18. Declaring the authority of the lord-keeper of the great-seal of England, and the lord chancellor, to be one. 19. For the repeal of a branch of a statute made anno 1 Edw. 6. touching the conveying of horses and geldings out of this realm. 20. For the punishment of vagabonds, calling themselves Egyptians. 21. For the punishment of unlawful taking of fish, deer, or hawks. 22. Against the carrying of sheepskins and pelts over the sea, not being staple ware. 23. For the due execution of the writ 'de excommunicato capiendo.' 24. For the reviving of a statute made anno 23 H. 8. touching the repairing of gaols. 25. To fill up juries 'de circumstantibus,' lacking in Wales. 26. For the inrollment of indentures of bargain and sale in the queen's maj.'s courts of record at Lancaster, Chester, and Durham. 27. Touching fines to be levied in the county palatine of Durham. 28. For the translating of the bible and the divine service into the Welsh tongue. 29. For the confirmation of a subsidy granted by the clergy. 30. Of a subsidy, and two 15ths and 10ths granted by the temporalty. 31. Of the queen's maj.'s most gracious, general and free pardon.

8 Eliz.—1. An act declaring the manner of making and consecrating of the abps. and bps. of this realm, to be good, lawful and perfect. 2. Whereby the defendant may recover his costs, being wrongfully vexed. 3. Against carrying over sea, rams, lambs, and other sheep alive. 4. To take away the benefit of clergy from certain felonious offenders. 5. For the avoiding of tedious suits in civil and marine causes. 6. Touching clothworkers, and cloths ready wrought to be shipped over the sea. 7. Touching drapers, cottoners and frizers, in the town of Shrewsbury. 8. For the repeal of a branch of a statute made the 32nd of Henry VIII. for the stature of horses. 9. To repeal a branch of a statute made anno 23 of Henry VIII. touching the prices of barrels and kilderkins. 10. For Bowyers, and the prices of bows. 11. For the true making of hats and caps. 12. For aulnegers fees in Lancashire, and for length, breadth, and weight of cottons, frizes and rugs. 13. Concerning sea-marks and mariners. 14. Touching transporting of tawed leather. 15. For preservation of grain. 16. That in divers counties, there shall be but one sheriff in one county. 17. For confirmation of a subsidy granted by the clergy. 18. Of a 15th and 10th, and subsidy, granted by the temporalty. 19. Of the queen's maj.'s free and general pardon. 20. For repealing a branch of a statute made in the 26th of Hen. 8. c. 6. Sect. 12. for trial of offences in Wales.

13 Eliz.—1. An act whereby certain offences be made treason. 2. Against the bringing in and putting in execution, of bulls and other instruments from the see of Rome. 3. Against fugitives over the sea. 4. That the lands, tenements, goods, and chattels of treasurers, receivers, tellers, &c. shall be liable to the payment of their debts. 5. Against fraudulent deeds, gifts, alienations, &c. 6. That the constats, and exemplifications of letters patents, shall be as good and available, as the letters patents themselves. 7. Touching orders for bankrupts. 8. Against usury. 9. For the commission of sewers. 10. Against frauds, defeating remedies for dilapidations. 11. For the maintenance of the navigation. 12. To reform certain disorders touching ministers of the church. 13. For the increase of tillage. 14. For the bringing of bow-staves into the realm. 15. That no hoye or plate shall cross the seas. 16. That the convictions of T. earl of Westmoreland, and 57 others attainted of treason be confirmed. 17. That Robert earl of Leicester may found an hospital in Warwick, or Kenelworth, for relief of poor and impotent people. 18. For the river Lee, otherwise called Ware river. 19. For the making of caps. 20. Touching leases of benefices, and other ecclesiastical livings, with cure. 21. That purveyors may take grain, corn, or victuals within 5 miles of Cambridge and Oxford,

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in certain cases. 22. To continue the statute for division of shires. 23. For paving of a street without Aldgate. 24. For the paving of the town of Ipswich. 25. For the reviving and continuance of certain statutes. 26. For the confirmation of a subsidy granted by the clergy. 27. Of a subsidy, and two 15ths and 10ths, granted by the temporalty. 28. Of the queen's highness most gracious, general and free pardon. 29. Concerning the several incorporations of the universities of Oxford and Cambridge, and the confirmation of the charters, liberties and privileges granted to either of them.

14 Eliz.—1. An act for the punishment of such as shall rebelliously take or detain, or conspire to take or detain, from the queen's maj. any of her castles, towers, fortresses, holds, &c. 2. Against such as shall conspire or practise the enlargement of any prisoner committed for high treason. 3. Against the forging and counterfeiting of foreign coin, being not current within this realm. 4. To revive a statute made 'anno primo' of the queen's maj.'s reign inhibiting the carrying of leather, tallow, and raw hides out of the realm. 5. For the punishment of vagabonds, and for the relief of the poor and impotent. 6. For the explanation of a statute made against fugitives over the seas, in the 13th year of the queen's maj.'s reign. 7. Against the deceits of under-collectors of the 10ths and subsidies of the clergy. 8. For the avoiding of recoveries suffered by collusion by tenants for term of life, and such others. 9. Declaring that the tenant and defendant may have a 'Tales de circumstantibus,' as well as the demandant or plaintiff. 10. To reform the excessive length of kersies. 11. For the continuation, explanation, perfecting, and enlarging of divers statutes. 12. For the repeal of a statute made anno 8 of the queen's maj.'s reign, touching the town of Shrewsbury. 13. For the annexing of Hexham and Hexamshire to the county of Northumberland. 14. For the better assurance of gifts, grants, &c. made and to be made, to and for the relief of the poor in the hospitals in and near unto the city of London, of Christ, Bridewell, and st. Thomas the apostle.

18 Eliz.—1. An act against the diminishing and imparing of the queen's maj.'s coin, and other coins lawfully current within the realm. 2. For confirmation, as well of all grants made to the queen's maj. as of letters patents made by her maj. to others. 3. For the setting of the poor on work, and for the avoiding of idleness. 4. For the avoiding of frauds in certain conveyances and assurances made by the late rebels in the North. 5. To redress disorders in common informers upon penal laws. 6. For the maintenance of the colleges in both the universities, and also in Winchester and Eaton. 7. To take away clergy from the offenders in rape and burglary; and an order for the delivery of clerks convict, without purgation. 8. For the appointing and authorising of justices of assizes in the shires of Wales. 9. Against the transporting of leather, tallow, and raw hides out of the realm. 10. Of additions unto the former acts, for the amending and repairing of highways. 11. For the explanation of the statutes, intituled, 'Against the defeating of dilapidations, and against leases to be made of spiritual promotions,' in some respects. 12. For the trial of 'nisi prius' in the county of Middlesex. 13. Concerning offices found within the counties palatines. 14. For reformation of Jeofails. 15. For reformation of abuses in goldsmiths. 16. For the toleration of certain clothiers in the counties of Wilts, Somerset, and Gloucester, to inhabit out of towns corporate. 17. For the perpetual maintenance of Rochester bridge. 18. For the repairing of Chepstowe bridge. 19. For the paving of the city of Chichester. 20. For the repairing and amending of the bridges and highways near unto the city of Oxford. 21. For the relief and re-edifying of the borough of New Woodstock in the county of Oxford. 22. For confirmation of a subsidy granted by the clergy. 23. Of two 15ths and 10ths, and one subsidy, granted by the temporalty. 24. Of the queen's maj.'s most free and general pardon.

23 Eliz.—1. An act to retain the queen's subjects in their due obedience. 2. Against seditious words and rumours uttered against the queen's most excellent maj. 3. For the reformation of errors in fines and recoveries. 4. For the fortifying of the borders towards Scotland. 5. Touching iron-mills near unto the city of London, and the river of Thames. 6. For the repairing of Dover haven. 7. For the increase of mariners, and for maintenance of the navigation. 8. For the true melting, making and working of wax. 9. For the abolishing of certain deceitful stuff used in the dying of cloth. 10. For preservation of pheasants and partridges. 11. For the re-edifying of Cardiff-Bridge, in the county of Glamorgan. 12. For an addition to a former act made anno 13 of her maj.'s reign, for the paving of a street without Aldgate, leading to her highness storehouses at the Minories, and other places. 13. For the inning of Earith and Plumstead Marsh. 14. Of a subsidy granted by the clergy. 15. For a subsidy and two 15ths granted by the temporalty. 16. For the queen's maj.'s most gracious, general and free pardon.

27 Eliz.—1. An act for provision to be made for the surety of the queen's maj.'s most royal person, and the continuance of the realm in peace. 2. Against jesuits, seminary priests, and such other like disobedient persons. 3. For the explanation of the statute made anno 13 of the queen's maj.'s reign, intituled, 'An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.' 4. Against covenous and fraudulent conveyances. 5. For the expedition of justice in cases of demurrers and pleadings. 6. For the returning of sufficient jurors, and for the better expedition of trials. 7. For the levying of issues lost by jurors. 8.



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For redress of erroneous judgments in the court, commonly called the King's Bench. 9. For reformation of errors in fines and recoveries, in the 12 shires of Wales, town and county of Haverford West, with the counties palatine. 10. For the continuance of a former statute, intituled, 'An act to redress disorders in common informers upon penal statutes,' made in the 18th year of the queen's maj.'s reign. 11. For the reviving, continuance, explanation, and perfecting of divers statutes. 12. For the swearing of under-sheriffs, and other under-officers and ministers. 13. For the following of hue and cry. 14. For the reviving of a former statute, for the true making of malt. 15 For the bringing in of staple-fish and herrings into this realm. 16. Touching artificers using the cutting of leather. 17. Touching the breadth of white woollen cloths, made in the counties of Somerset, Wiltshire, Gloucester, and Oxon, &c. 18. Concerning making of woollen cloths in the counties of Devon and Cornwall, called plain white straights, and pinned white straights. 19. For the preservation of timber in the wilds of the counties of Sussex, Surrey and Kent, and for the amendment of highways decayed by carriage to and from iron-mills there. 20. For the preservation of the haven at Plymouth. 21. For the preservation of Orford haven. 22. For the bringing of the haven of the city of Chichester by a new cut channel, to the suburbs of the same city. 23. For cloth-making in the towns of Boxstead and Langham in the county of Essex. 24. For the keeping of the sea-banks and sea-works in the county of Norfolk. 25. For the explanation of the statute for the maintenance of Rochester Bridge. 26. For explaining of the statute for the amending of the highways between Middleton and the King's Ferry, leading into the isle of Sheppey, in the county of Kent. 27. For the inning of Earith, and Plumstead Marsh. 28. Of one subsidy granted by the clergy. 29. Of one subsidy, and two 15ths and 10ths granted by the temporalty. 30. For the queen's maj.'s most gracious, general, and free pardon.

29 Eliz.—1. An act for the confirmation of the attainders of Thomas, late lord Paget, and others. 2. Concerning errors in records of attainders of high treason. 3. To avoid fraudulent assurances made in certain cases by traitors. 4. To prevent extortion in sheriffs, under-sheriffs and bailiffs of franchises or liberties, in cases of execution. 5. For the continuance and perfecting of statutes. 6. For the more speedy and due execution of certain branches of the statute made in the 23rd year of the queen's maj.'s reign, intituled, 'An act to detain the queen's maj.'s subjects in their due obedience.' 7. Of one subsidy by the clergy. 8. For the grant of one intire subsidy, and two 15ths and 10ths, granted by the temporalty. 9. For the queen's maj.'s most gracious, general, and free-pardon.

31 Eliz.—1. An act against discontinuances of writs of error in the courts of Exchequer and King's Bench. 2. For abridging of proclamations upon fines to be levied at the Common Law. 3. For the avoiding of privy and secret outlawries of her maj.'s subjects. 4. Against embezzling of armour, habiliments of war, and victual. 5. Concerning informers. 6. Against abuses in election of scholars, and presentation to benefices. 7. Against erecting and maintaining of cottages. 8. For the true guaging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer. 9. For writs upon proclamations and exigents, to be current within the county palatine of Durham. 10. For the continuance and perfecting of divers statutes. 11. Of explanation or declaration of the statute of 'octavo regis Henrici sexti', concerning forcible entries, the indictments thereupon found. 12. To avoid horse-stealing. 13. For reviving and enlarging of a statute made in the 23rd year of her maj.'s reign, for repairing of Dover haven. 14. For confirmation of the subsidies of the clergy. 15. For the granting of four 15ths and 10ths, and two entire subsidies, to our most gracious sovereign lady the queen's most excellent maj. 16. For the queen's maj.'s most gracious, general, and free pardon.

35 Eliz.—1. An act to retain the queen's maj.'s subjects in their due obedience. 2. For the restraining of popish recusants to some certain places of abode. 3. For explanation of a statute made in the 34th year of king Henry VIII. as well touching grants made to his maj. as for confirmation of letters patents made by his highness to others. 4. For the necessary relief of soldiers and mariners. 5. For explanation and confirmation of the queen's maj.'s title to the lands and tenements, late sir Francis Englefield's, knt. attainted of high treason. 6. Against converting of great houses into several tenements, and for restraint of inmates and inclosures, in and near about the city of London and Westminster. 7. For the reviving, continuance, explanation and perfecting of divers statutes. 8. For the avoiding of deceit used in making and selling of twice laid cordage, and for the better preserving of the navy of this realm. 9. Touching the breadth of plunkets, azures, and blues, and other coloured cloths, made within the county of Somerset, and elsewhere of like making. 10. For the reformation of sundry abuses in cloths, called Devonshire kersies or dozens, according to a proclamation of the 34th year of the queen's maj.'s reign. 11. For the bringing in of clapboard from the parts beyond the seas, and the restraining of transporting of wine casks, for the sparing and preserving of timber within this realm. 12. For confirmation of the subsidies of the clergy. 13. For the grant of three intire subsidies, and six 15ths and 10ths granted by the temporalty. 14. For the queen's maj.'s most gracious, free, and general pardon.

39 Eliz.—1. An act against the decaying of towns and houses of husbandry. 2. For main-

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tenance of husbandry and tillage. 3. For the relief of the poor. 4. For punishment of rogues, vagabonds, and sturdy beggars. 5. for erecting of hospitals, or abiding and working-houses for the poor. 6. To reform deceits and breaches of trust touching lands given to charitable uses. 7. For the more speedy payment of the queen's maj.'s debts, and for the better explanation of the act made in the 13th year of the queen's maj. intituled, 'An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.' 8. For the confirmation and establishment of the deprivation of divers bishops and deans in the beginning of her maj.'s reign. 9. For the taking away the benefit of clergy from offenders against a certain statute made in the 3rd year of king Henry VII. concerning the taking away of women against their wills unlawfully. 10. For the increase of mariners and maintenance of navigation; repealing a statute made in the 23rd year of her maj.'s reign, bearing the same title. 11. For the better execution of the statute made in the 23rd year of the queen's maj.'s reign, for the abolishing of logwood, alias blockwood, in the dying of cloth, wool or yarn. 12. For explanation of the statute made in the 5th year of her maj.'s reign, concerning labourers. 13. An explanation of an act made in the 11th year of king Henry VII. for fustians. 14. Prohibiting the bringing into this realm, of foreign cards for wool. 15. That no person robbing any house in the day-time, although no person be therein, shall be admitted to the benefit of his clergy. 16. To restrain the excessive making of malt. 17. Against lewd and wandering persons, pretending themselves to be soldiers and mariners. 18. For the reviving, continuance, explanation, perfecting and repealing of divers statutes. 19. For the amendment of highways in the counties of Sussex, Surry and Kent. 20. Against the deceitful stretching and tentering of northern cloth. 21. For the further continuance and explanation of an act for the necessary relief of soldiers and mariners, made in the 35th year of the queen's maj.'s reign that now is. 22. For the establishment of the bishopric of Norwich, and the possessions of the same, against a certain pretended concealed title thereunto. 23. For the repairing of the bridges of Newport and Carlion in the county of Monmouth. 24. For the erecting and building of a bridge over the river of Wye, at Wilton upon Wye, near the town of Rosse, in the county of Hereford. 25. For enlarging of the statute made for following hue and cry, in the 27th year of her maj.'s reign, in some sort to relieve the inhabitants of the small hundred of Beynersh, alias Benherst, in cases where they are in no voluntary default, and yet are or shall be charged by the same statute, and by the two ancient statutes, the one made the 13th year of king Edw. I. the other in the 28th year of king Edw. III. for repressing of robberies. 26. For confirmation of the subsidies granted by the clergy. 27. For the grant of 3 entire subsidies, and six 15ths and 10ths, granted by the temporalty. 28. For the queen's maj.'s most gracious, general, and free pardon.

43 Eliz.—1. An act for confirmation of grants made to the queen's maj. and of letters patents made by her highness to others. 2. For the relief of the poor. 3. For the necessary relief of soldiers and mariners. 4. To redress the misemployment of lands, goods, and stocks of money heretofore given to charitable uses. 5. To prevent perjury and subornation of perjury, and unnecessary expences in suits of law. 6. To avoid trifling and frivolous suits in law, in her maj.'s courts at Westminster. 7. To avoid and prevent divers misdemeanors in lewd and idle persons. 8. Against fraudulent administration of intestate's goods. 9. For continuance of divers statutes, and for repeal of some others. 10. For the true working and making of woollen cloth. 11. For the recovery of many hundred thousand acres of marshes, and other grounds, subject commonly to surrounding, within the isle of Ely, and the counties of Cambridge, Huntingdon, Northampton, Lincoln, Norfolk, Suffolk, Sussex, Essex, Kent, and the county palatine of Durham. 12. Concerning matters of assurances amongst merchants. 13. For the more peaceable government of the parts of Cumberland, Northumberland, Westmorland, and the bishopric of Durham. 14. concerning the assize of fuel. 15. For the levying of fines with proclamations of lands within the county of the city of Chester. 16. For the re-edifying, repairing and maintaining of two bridges over the river of Eden, near the city of Carlisle in Cumberland. 17. For the confirmation of the subsidies granted by the clergy. 18. For the grant of 4 entire subsidies, and eight 15ths and 10ths, granted by the temporalty. 19. For the queen's maj.'s most gracious, general, and free pardon.

## JAMES I.

After the death of Elizabeth, James VI. of Scotland succeeded to the English crown. The new king made his progress from one capital to the other with all convenient expedition; and, on the 25th of July, st. James's day, 1603, this king and his queen, Anne of Denmark, were crowned at Westminster, with great solemnity. To lessen the joy that might then be felt by both the Scotch and English nations on this happy union, a dreadful plague broke out in London this year, which, in a short space, carried off, from that city and its confines, above 30,000 people. This infectious distemper prevented the king and council from calling a parl. so soon as it was usual on a new accession; and it was not till the beginning of the next year that the writs were sent out for summoning one to meet at Westminster, on the 19th of March, still in the first year of this reign. But, at the same time, a Proclamation came out, containing some in-

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junctions for electing Members in the house of Commons; of which Proclamation the following is a copy, as it appears in Rymer's Fœdera, tom. xvi. p. 561.

*The King's Proclamation for calling a Parl.*] "Wee have before this tyme made known to our subjects uppon dyvers occasions, that we have receaved so great contentment in their generall conformity and submission to all such courses as might best establish the possession of this crowne, according to the right of our succession, as it would ever nourish in us an earnest desire to shew our selves carefull in all things to preserve their greatest affection and to answere that expectation, which by their joyfull maner of receaving us, Wee perceave they had conceaved of our govt. whereof as We well knowe that princes cannot yield more generall, more cleare, or profitable proof to their people, then by redressing abuses, wherewith they fynde their subjects justlie grieved, either in constitution or administration of their laws in beeing, or by seeking to establish newe laws for them, agreeable to the rules of justice, whensoever tyme doth discover any defectes in the former policy, or when accidents in the state of any commonwealth requier newe ordinaunces; so seeyng both these things, which are of soe greate moment in a state, have accustomed to be considered and ordered, as in this, soe in other well governed commonweathes, by a lawfull assemblie of the three estates of the realme, commonly called the parliament, Wee were desirous to have summoned them long since for that purpose, if the infection, reygning in the citie of London, and other places of our kingdome, would have permitted the concourse of soe great a multitude into one place as that assemblie must necessarilie brynge with it; which great contagion being nowe, by the goodnes of God, abated, and likelie, as We hope, to be shortly quite extinguished in and about the said citie, We have resolved to hold a parl. at our citie of Westminster, as soon as We shall find that the same may be done without the perill aforesaid; in which, as God knows that we have nothing to propound for satisfaction of any private desier or particular profit of our own, but meerly and only to consult and resolve with our loving subjects of all those things which may best establish the publicke good, with the generall safety and tranquility of this realme, on which it had pleased God to multiply soe many blessings; so to the intent that this assemblie of oure parl. being grounded uppon soe syncere an intent on oure parte, may be matched with a like integrytie on theirs, and as it is the first in our reigne, so to be founde not only worthy of the high title it beareth to be the highest councell of the kingdome, but also to be a president for hereafter of the true use of parliaments, Wee have bethought our selfe of as many waies and meanes as may be, to prevent those inconveniences, which daylie rise and multiply by the perverting of those auncient good orders which were devised, by the wisdome of former times, to be observed in calling of parliaments; amongst which, because there is no one poynte of greater consequence than the well chosyng of knightes and burgesses, whoe, as they doe present the bodie of the thirde estate; soe, being eligible by multitude, there are often many unfitt persons appoynted for that service, and where it is soe well knowne to every private man of wit and judgment, much more to Us who have had soe longe experience of kingly govt. how ill effectes doe followe, when such as have to doe in matters of commonwealth shall come to that greate and common councell, with others then publick myndes, sincere, and voide of any factious humor or dependency. Wee doe hereby straightly charge and admonish all persons interessed in the choice of knights for the shires, first, that the knights for the county be selected oute of the principall knightes or gentlemen of sufficient hability within that county wherein they are chosen; and for the burgesses that choice be made of men of sufficiency and discretion, without any partiall respects or factious combynation, which alwaies breede suspicions that more care is taken to compasse private endes then to provide for making good and wholesome laws for the realme; and because it is noe more possible to drawe sounde councelles and resolutions from inconsiderate or insufficient spirites, then to have a sounde or healthfull bodie composed of weak and imperfect members; wee soe likewise admonyshe all persons to whome it doth apperteyne, that seeyng the dealynge in causes of parl. requires conveniency of years and experience, there may be great heed taken, by all those that will be accompted lovers of their countrie, that both knightes and burgesses may be chosen accordingly, without desier in any particular men to please parents or friends that often speak for their children or kyn, though they be very young, and little liable to discerne what laws are fyt to bynde a commonwealth; to the consultation whereof those persons should be selected principallie, of whose gravity and modest conversation men are likest generally to conceave best opynion. Next and above all thinges considerying, that one of the mayne pillers of this estate is the preservation of unity in the profession of sincere religion of Almighty God, Wee doe also admonyshe that there be great care taken to avoyde the choice of any persons, either noted for their superstitious blyndness one way, or for their turbulent humours other waies, because their disorderly and unquiete spirites will disturbe all the discreete and modest proceeding in that greatest and gravest councell. Further, Wee doe commaunde that an expresse care be had that there be not chosen any persons banqueruptes or outelawed, but men of known good behaviour and sufficient livelihood, and such as are not onely taxed to the payment of subsidies and other like charges, but also have ordinarily paid and satisfied the

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same, nothing being more absurd in any commonwealth than to permytt those to have free voyces for law making, by whose owne actes they are exempted from the law's protection. Next that all the sheriffes be charged that they doe not direct any precept for electyng and returning of any burgesses to or for any auncient borrough town within their counties, beyng soe utterly ruyned and decayed that there are not sufficient resyantes to make such choice, and of whome lawfull election may be made; also to charge all cities and boroughes, and the inhabitantes of the same, that none of them seale any blankes, referryng or leaving to any other to insert the names of any citizens or burgesses to serve for any such cittie or borough, but doe make open and free election according to the lawe, and sett down the names of the persons whom they choose before they seale the certificate:—Furthermore, Wee notifye by these presentes, that all retornes and certificates of knightes citizens and burgesses oughte and are to be brought to the Chauncery, and there to be fyled of record; and if any shall be founde to be made contrarie to this proclamation, the same is to be rejected as unlawfull and insufficient, and the cittie or borough to be fyned for the same; and if it be founde that they have commyttted any grosse or wilfull default and contempt in their election retorne or certificate, that then their liberties, according to the lawe, are to be seized into oure handes as forfeited; and if any person take upon him the place of a knight, citizen, or burgesse, not being duely elected, retorned, and sworne, according to the laws and statutes in that behalfe provided, and according to the purport, effect, and true meaning of this oure proclamation; then every person soe offending to be fyned and imprisoned for the same.—Wee doe also hereby give warning to the lordes and others that are to serve in this parliament, to have speciall care, as they tender our displeasure, that they admytt none to have the name or countenance of their servaunts and attendantes during the parliament, thereby to be priviledged, seying such questions of priviledges have in tymes past consumed a great part of the tyme appointed for the parliament, whereby the service for the realme hath bene hyndered, and the subjects drawne to great charges and expences by attendyng much longer than otherwise needed. Having at this tyme bene the more carefull to set downe a particular order and forewarnyng for preventing of these severall abuses afore-mentioned, that thereby there may arise, at that publick and solemne meeting, such a comely proportion and laudable sympathie between the honourable, juste, and necessarie lawes that are to be made and estabished at this parliament, and the commendable discretion, with all other wise and vertuous qualities, meete for such persons as are to be the members and assisters of Us in soe honorable, lawfull, and necessarie an action, as may put us and all our good subjects in a suer expectation of a happie issue to followe thereupon; Wee doubt not but these our directions, thus made manifest, shall be duely observed accordyng to the important consequence thereof, and the peryll of oure heavye displeasure to all those that shall offende in the contrarie. Given at our honour of Hampton Court, the 11the day of Januarie. *Per ipsum Regem.*"

### *State of the Peerage.*

The following are the Names and Titles of all the Temporal Lords, called, by writ, to the first Parl. of King James I.

The first writ was directed to Sir Thos. Egerton, knt. lord Ellesmere, a little time before, made lord high chancellor of England.

Thomas, earl of Dorset, lord high treasurer
Wm. marq. of Winchester, lord great chamberlain
Edward, earl of Worcester, earl marshal
Charles, earl of Nottingham, lord high admiral, and high steward
Thomas, e. of Suffolk, chamberlain of the household
Henry, e. of Northumberland
Gilbert, e. of Shrewsbury
William, e. of Derby
Henry, e. of Kent
Roger, e. of Rutland
George, e. of Cumberland
Robert, e. of Sussex
Geo. e. of Huntingdon
William, e. of Bath
Henry, earl of Southampton
Edward, e. of Bedford
Wm. e. of Pembroke
Henry, e. of Lincoln
Charles, e. of Devon
Henry, e. of Northampton
Thomas, e. of Exeter
Philip, e. of Montgomery
Thomas, e. of Arundel
Anthony, visc. Montague
Thomas, visc. Howard, of Byndon
Geo. Tuchet, l. Audley
Edw. Zouch, l. Zouch
Thomas West, l. Delaware
Hen. Berkly, l. Berkley
Edw. Parker, l. Morley
Ed. Stafford, l. Stafford
Thomas, l. Scrope, of Bolton
Edw. Sutton, l. Dudley
John Lumley, l. Lumley
E. Stourton, l. Stourton
Henry, l. Herbert, eldest son to the earl of Worcester
John Darcie, l. Darcie, of Menell
Wm. Parker, l. Montegle, eldest son to l. Morley
Wm. l. Sandys, of Vyne
Henry, l. Windsor
Henry, l. Mordaunt
Edward, l. Cromwel
Ralph, l. Evers
Philip, l. Wharton, of Wharton
Robert, l. Riche
Cuthbert Ogle, l. Ogle
Tho. Cecil, l. Burghley
Charles, l. Willoughby, of Parham
Edmond, l. Sheffield.
Thomas, l. Darcie, of Chiche
William, l. Howard, of Effingham, eldest son to the e. of Nottingham
William, l. Chandois, of Sudeley
John Carye, l. Hunsden
Oliver, l. St. John, of Bletso
William, l. Compton
Fran. l. Norris, of Rycot
Robert, lord Cecil, of Essingdon, principal secretary of state
Robert, l. Sidney, of Penshurst
William, l. Knollys, of Grays
Edward, l. Wotton, of Marley
Francis, l. Russel, of Thornhaugh

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Henry, lord Grey, of Groby
John, l. Petre, of Writtle
John, l. Harrington, of Eaton
Henry, l. Danvers, of Dantsey
Thomas, l. Gerard, of Gerard's Bromley
Robert, l. Spenser, of Wormleyton
Richard Fynes, l. Say and Sele
John, l. Stanhope, of Harrington
Thomas, l. Arundel, of Warder
William, l. Cavendish, of Hardwick
Francis, l. North, of Kirtling
Edward, l. Nevile, of Bergavenny
Theophilus, l. Howard, of Walden, eldest son to the e. of Suffolk.
Edward, l. Denney, of Waltham
George, l. Carew, of Clopton
Thomas, l. Clinton, of Say, eldest son to the e. of Lincoln.

*List of the House of Commons.*

The following are the Names of all the Members of the House of Commons, returned to serve in Parliament the 1st of James I. 1603, with the Places they served for.*

BEDFORDSHIRE.
Oliver St. John, esq.
Sir Edw. Radcliffe, kt.
*Bedford* T.
Sir Christ. Hatton, kt.
Thomas Hawes, gent.
BUCKS.
Sir F. Goodwyn, knt.
Sir W. Fleetwood, kt.
*Buckingham* T.
Sir Thos. Denton, kt.
Sir A. Teringham, kt.
*Wiccombe* B.
Sir J. Townshend, kt.
Henry Fleetwood, esq.
*Aylesbury* B.
Sir Wm. Burlace, knt.
Sir Wm. Smith, knt.
BERKS.
Sir Henry Nevile, knt.
Sir Fran. Knollis, knt.
*New Windsor* B.
Sam. Barkhouse, esq.
Sir Fran. Howard, kt.
*Reading* B.
Sir Jeron. Bowes, knt.
Francis Moore, esq.
*Wallingford* B.
Sir Wm. Dunch, knt.
Christ. Payne, gent.
*Abington* B.
Sir Rich. Lovelace, kt.
CORNWALL.
Sir Wil. Godolphin, kt.
Sir Anth. Rowse, knt.
*Dunhivid*, alias *Launceston* B.
Sir Thos. Lake, knt.
Ambrose Rowse, esq.
*Leskard* B.
Sir Wil. Killegrew, kt.
Reginald Nichols, esq.
*Lestwithiel* B.
Sir T. Chaloner, knt.
Sir Wm. Lower, knt.
*Truro* B.
Thos. Burgess, esq.
Henry Cossen, esq.
*Bodmyn* B.
John Stone, gent.
Richard Spray, gent.
*Helston* B.
Sir John Leigh, knt.
Robert Nanton, esq.
*Saltash* B.
Sir R. Mainwood, kt.
Thomas Pyvel, gent.
*Camelford*, B.
John Good, esq.
Anthony Turpin, gent.
*Portpigham*, alias *Westlowe* B.
Sir Wm. Wade, knt.
Sir Hen. Goodyer, kt.
*Grampound* B.
Sir F. Barnham, knt.
Wm. Noye, esq.
*Eastlowe* B.
Sir Rob. Philips, knt.
Sir John Parker, knt.
*Penryn* B.
Sir Edw. Conway, knt.
Sir Wm. Maynard, kt.
*Tregoney* B.
Henry Pomeroy, esq.
Rd. Carvoigh, gent.
*Bossiney* B.
Sir Jeronimus Horsey, knt.
George Calvert, esq.
*St. Ives* B.
William Brook, esq.
Jn. Tregenna, gent.
*Fowey* B.
Francis Vivian, esq.
Henry Peeter, gent.
*St. Germains* B.
Sir Geo. Carew, knt.
John Trott, gent.
*Michel* B.
William Carpe, esq.
William Hackwill, esq.
*Newport* B.
Sir Edw. Seymor, kt.
Sir R. Killegrewe, kt.
*St. Mawes* B.
Sir Jn. Specott, knt.
Dudley Charlton, esq.
*Kellington* B.
William Rolle, gent.
Sir R. Wilbraham, kt.
CUMBERLAND.
William Lawson, esq.
Edw. Musgrave, esq.
*Carlisle* C.
T. Blenerhasset, esq.
Wm. Barwick, esq.
CAMBRIDGESHIRE.
Sir John Peyton, knt.
Sir John Cuttes, knt.
*Cambridge* T.
R. Wallys, alderman.
J. Yaxley, alderman.
*Cambridge University.*
Nich. Stiward, LL.D.
H. Mowtelowe, LL.D.
CHESHIRE.
Sir Tho. Holcroft, kt.
Sir Roger Astone, kt.
*Chester* C.
Thomas Gamul, esq.
Hugh Glasier, esq.
DERBYSHIRE.
Sir John Harpur, knt.
William Knytton, esq.
*Derby* T.
John Baxter, gent.
Edw. Sleighe, gent.
DEVONSHIRE.
Sir John Ackland, kt.
Edward Seymor, esq.
*Exeter* C.
George Smith, esq.
John Prowze, gent.
*Totness* B.
Christ. Brooking, mer.
Walter Dottyn, merch.
*Plymouth* B.
Sir Rd. Hawkins, knt.
James Bagge, gent.
*Barnestaple* B.
Thomas Hinson, esq.
George Peard, gent.
*Plimpton* B.
Sir Wm. Strood, knt.
Warwick Heale, gent.
*Tavistoke* B.
Sir G. Fleetwood, knt.
Ed. Duncombe, gent.
*Dartmouth, Clifton, Hardness*, B.
Thomas Holland, gent.
Thomas Gurney, gent.
*Borealston* B.
Humphry Maye, esq.
Sir Rich. Strode, knt.
DORSETSHIRE.
Sir Thos. Freake, knt.
John Williams, esq.
*Poole* T.
Edward Man, gent.
Thos. Roberts, merch.
*Dorchester* B.
Math. Chrobbe, gent.
John Spicer, gent.
*Lyme* B.
Sir Francis Russel, kt.
George Jefferye, esq.
*Weymouth* B.
Tho. Barefoote, mayor
Sir J. Hannam, knt.
*Melcombe-Regis* B.
Rob. White, alderman
R. Middleton, merch.
*Bridport* B.
Sir Robert Miller, kt.
John Pitt, gent.
*Shaftsbury* B.
Robert Hopton, esq.
John Boden, gent.
*Corfe Castle* B.
Sir John Hobarte, kt.
Ed. Duncombe, gent.
ESSEX.
Sir Gamal. Capel, kt.
Sir F. Barrington, kt.
*Colchester* B.
Robert Barker, esq.
Edward Alford, esq.
*Malden* B.
Sir Robert Rich, knt.
Sir John James, knt.
*Harwich* B.
John Panton, esq.
Thomas Trever, esq.
GLOUCESTERSHIRE.
Sir Tho. Berkeley, knt.
Jn. Throgmorton, esq.

* The manuscript is in Latin and bears this title: "Nomina Militum Comitatuum, Civium Civitatum, et Burgensium Villarum, sive Burgorum, ac Baronum quinque Portuum, veniendorum ad Parliamentum, summonitum apud Civitatem Westmonasterii, decimo nono Die Martii, Anno Regis Jacobi, Angliæ, Franciæ, et Hiberniæ primo, et Scotiæ tricessimo septimo. 1603.—Edwardus Phellips Miles, Prolocutor."

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*Tewkesbury* B.
Sir Dudley Diggs, knt.
Edw. Ferrers, gent.
*Gloucester* C.
Nich. Overbury, esq.
John Jones, esq.
*Cirencester* B.
Arn. Oldsworth, esq.
Sir Anth. Maney, kt.
HUNTINGDONSHIRE.
Sir Oli. Cromwell, kt.
Sir Robert Cotton, kt.
*Huntingdon* T.
Sir Hen. Cromwel, kt
Thomas Hetley, esq.
HERTFORDSHIRE.
Sir Hen. Carey, knt.
Rowl. Lytton, esq.
*St. Albans* B.
Sir Thos. Parry, knt.
Sir Hen. Helmes, knt.
HEREFORDSHIRE.
Sir J. Scudamore, knt.
Sir H. Crotte, knt.
*Hereford* C.
A. Pembridge, esq.
John Hoskins, esq.
*Lempster* B.
Thos. Coningsby, esq.
John Powle, gent.
KENT.
Sir John Scot, knt.
Sir J. Lewson, knt.
*Canterbury* C.
Sir John Boyes, knt.
Mat. Hadd, esq.
*Rochester* C.
Sir Edw. Hobby, knt.
Sir T. Walsingham, kt.
*Maidstone* B.
Sir Fran. Fane, knt.
Law. Washington, esq.
*Quinburgh.*
Rich. Wright, gent.
Sir Mich. Sandys, knt.
LINCOLNSHIRE.
Thos. ld. Clinton and Saye
John Sheffield, esq.
*Lincoln* C.
Sir T. Grantham, knt.
Sir E. Tyrwhite, knt.
*Boston* B.
Anthony Irbie, esq.
Fras. Bullingham, esq.
*Great Grimsby* B.
Sir G. St. Poole, knt.
Sir Wm. Wraye, knt.
*Stanford* B.
Henry Hall, esq.
Sir Edw. Cecil, knt.
*Grantham* B.
Sir Geo. Manners, kt.
Sir T. Horseman, knt.
LEICESTERSHIRE.
Sir T. Beaumont, knt.
Sir Basil Brooke, knt.

*Leicester* T.
Sir W. Skipwith, knt.
Sir W. Herryche, knt.
LANCASHIRE.
Sir R. Molleyneux, kt.
Sir R. Houghton, knt.
*Lancaster* B.
Sir T. Howard, knt.
Thos. Fanshawe, esq.
*Preston* B.
Sir V. Skynner, knt.
Wm. Holte, esq.
*Liverpool* B.
G. Brooke, alderman
T. Reintheigne, gent.
*Newton* B.
Sir J. Luke, knt.
Rich. Ashton, gent.
*Wigan* B.
Sir Wm. Crooke, knt.
Sir J. Poultney, knt.
*Clithero* B.
Sir J. Dormer, knt.
Martin Lyster, esq.
MIDDLESEX.
Sir W. Fleetwood, knt.
Sir R. Wroth, knt.
*Westminster* C.
Sir Walter Cope, knt.
Sir Julius Cæsar, knt.
*London* C.
Sir Thos. Lowe, knt.
Sir H. Montague, knt.
Rich. Fuller, esq.
Rich. Gore, merchant
MONMOUTHSHIRE.
Sir Thomas Somerset, knt.
Sir John Herbert, knt.
*Monmouth* T.
Sir R. Johnson, knt.
NORTHAMPTONSHIRE.
Sir E. Montague, knt.
Sir V. Knightly, knt.
*Peterborough* C.
Sir Rich. Cecil, knt.
Edw. Wymarke, gent.
*Northampton* T.
Henry Yelverton, esq.
Edward Mercer, gent.
*Bracley* B.
Sir Rich. Spencer, kt.
Wm. Lyle, gent.
*Higham Ferrars* B.
Sir G. Pemberton, kt.
NOTTINGHAMSHIRE.
Sir John Hollis, knt.
Sir P. Willoughby, kt.
*Nottingham* T.
Rich. Hurte, alderman
A. Jackson, alderman
*East Retford* B.
Sir J. Thornhagh, knt.
Sir Thos. Darrel, knt.
NORFOLK.
Sir N. Bacon, knt.
Sir C. Cornwallis, kt.

*Norwich* C.
Sir H. Hobarte, knt.
John Pettus, esq.
*Lynne Regis* T
Thos. Oxborough, esq.
Robt. Hitcham, esq
*Great Yarmouth* T.
Thos. Damatts, gent.
John Wheeler, gent.
*Thetford* B.
Sir W. Twissenden, kt.
Sir W. Paddye, knt.
*Castle-Rysing* B.
Sir T. Mountjoy, knt.
Sir R. Townshend, kt.
NORTHUMBERLAND.
Sir Raloh Grey, knt.
Sir H. Widdrington, kt.
*Newcastle on Tyne* T.
Sir G. Selbye, knt.
Hen. Chapman, esq.
*Morpeth* B.
Sir C. Perkins, knt.
John Hare, esq.
*Berwick* T.
Sir W. Selbye, knt.
C. Perkinson, esq.
OXFORDSHIRE.
Sir Anth. Cope, knt.
John Doyley, esq.
*Oxford* C.
Sir Fra. Leighe, knt.
Tho. Wentworth, esq.
*Oxford-University.*
Dan. Dun, LL. D.
Wm. Byrd, LL. D.
*Woodstock* B.
Tho. Spencer, esq.
Robert Whitlock, esq.
*Banbury* B.
Sir Wm. Cope, knt.
RUTLANDSHIRE.
Sir Ja. Harrington, kt.
Sir Wm. Bulstrode, kt.
SURREY.
Sir Wm. Moore, knt.
Sir Edw. Bowyer, knt.
*Southwark* B.
Sir Geo. Rivers, knt.
Wm. Mahewe, gent.
*Blechingleigh* B.
Sir John Trever, knt.
Rd. Bellingham, esq.
*Rigatt* B.
Sir Edw. Howard, knt.
Herbert Pelham, esq.
*Guilford* B.
Sir Geo. Moore, knt.
George Auten, gent.
*Gatton* B.
Sir Tho. Gresham, kt.
Sir Nich. Saunders, kt.
*Haselmere* B.
Sir Edw. Frank, knt.
Wm. Jackson, esq.
STAFFORDSHIRE.
Sir Edw. Littleton, kt.

Sir John Egerton, kt.
*Litchfield* C.
Anthony Dyott, esq.
Tho. Crewe, esq.
*Stafford* B.
Geo. Cradock, esq.
Arthur Ingram, esq.
*Newcastle under Line.*
Sir Walt. Chetwind, kt.
Rowland Cotton, gent.
*Tamworth* B.
Sir Tho. Beaumont, kt.
Sir John Ferrers, kt.
SHROPSHIRE.
Sir Roger Gwin, knt.
Sir Rob. Needham, kt.
*Shrewsbury* T.
Rich. Barker, esq.
Francis Tate, esq.
*Bridgenorth* B.
Sir Lod. Lewknor, kt.
*Ludlowe* B.
Rob. Berrye, esq.
Rich. Fisher, gent.
*Great-Wendlock.*
Rob. Lawley, gent.
Geo. Lawley, gent.
*Bishop's Castle* T.
Wm. Twynehoe, esq.
Samuel Lewknor, esq.
SOUTHAMPTONSHIRE.
Sir R. Oxenbridge, kt.
Sir Wm. Jepthson, kt.
*Winchester* C.
Sir John Moor, knt.
Edw. Cooke, alderm.
*Southampton* T.
Sir Tho. Fleminge, kt.
Sir John Jefferies, kt.
*Portsmouth* T.
John Corbett, esq.
Rich. Jenvye, gent.
*Yarmouth* B.
Thomas Cheek, esq.
Arth. Bromfield, gent.
*Petersfield* B.
Sir Wm. Harvye, knt.
Sir W. Kingsewell, kt.
*Newport* B.
Richard James, esq.
John Ashtell, esq.
*Stockbridge* B.
Sir William Fortescue, knt.
Sir Edwin Sandys, knt.
*Newton* B.
Tho. Wilson, gent.
Wm. Mervis, gent.
*Christ-Church* B.
Rich. Martin, esq.
Nicholas Hide, esq.
*Whitchurch* B.
Sir Rich. Pawlett, knt.
Tho. Brookes, gent.
*Lymington* B.
Tho. Marshal, gent.
Thomas South, gent.

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*Andover* B.
Sir Tho. Jermyn, knt.
Tho. Antrobus, gent.
SUFFOLK.
Sir John Higham, kt.
Sir Rob. Drury, kt.
*Ipswich* T.
Sir H. Glenham, kt.
Sir Francis Bacon, kt.
*Dunwich* B.
Sir Tho. Smith, knt.
Peter Gaudy, esq.
*Orford* B.
Sir M. Stanhope, kt.
Sir W. Cornwallis, kt.
*Aldborough* B.
Sir W. Woodhouse, kt.
Tho. Rivett, esq.
*Sudborough* B.
Sir T. Beckingham, kt.
Tho. Eden, jun. gent.
*Eye* B.
Sir H. Buckingham, kt.
Sir John Kaye, knt.
SOMERSETSHIRE.
Sir Fran. Hastings, kt.
Sir Edw. Phellips, kt.
*Bristol* C.
Jn. Whitston, merch.
Tho. James, merch.
*Bath* C.
Wm. Sherstone, alder.
Christ. Stone, esq.
*Wells* C.
Edw. Forcett, esq.
Jacob Keiton, esq.
*Taunton* B.
Edw. Hexte, esq.
John Bond, gent.
*Bridgewater* B.
N. Hasselmere, gent.
John Povey, esq.
*Mynhead* B.
Ambrose Purvill, gent.
Sir M. Berkeley, knt.
SUSSEX.
Sir Cha. Howard, knt.
Henry Carey, esq.
*Chichester* C.
Adrian Stoughton, esq.
Sir John Morley, knt.
*Horsham* B.
Sir John Dodridge, kt.
Sir Mich. Hixe, knt.
*Midhurst* B.
Francis Nevile, esq.
Sir Rd. Weston, knt.
*Lewes* B.
Henry Nevile, esq.
John Shirley, serjeant at law.
*Shoreham* B.
Sir B. Whitstones, kt.
Sir Hugh Beeston, kt.
*Steyning* B.
Sir Tho. Shirley, knt.
Sir Tho. Bishop, knt.

*East Grinstead* B.
Sir H. Crompton, kt.
Sir Jn. Swinerton, kt.
*Arundel* B.
Tho. Preston, esq.
John Tye, esq.
WESTMORLAND.
Sir T. Strickland, kt.
Sir Rd. Musgrave, kt.
*Appleby* B.
Sir John Morris, kt.
Sir Wm. Bowyer, kt.
WILTSHIRE.
Sir Fran. Popham, kt.
Sir W. Vaughan, kt.
*New-Sarum* C.
Giles Tooker, esq.
Rd. Godfrey, gent.
*Wilton* B.
Sir Tho. Edmonds, kt.
Thomas Morgan, esq.
*Downton* B.
Sir C. Raleigh, knt.
Wm. Stockman, gent.
*Hindon* B.
Sir Edw. Ludlowe, kt.
Tho. Thynne, esq.
*Heitesbury* B.
Sir Wm. Eyer, knt.
Walter Gawen, gent.
*Westbury.*
Sir James Ley, knt.
Matthew Lee, esq.
*Calne* B.
Sir Edw. Carey, knt.
John Nois, esq.
*Devizes* B.
Sir H. Bainton, knt.
Robert Drue, gent.
*Chippenham* B.
Jn. Hungerford, esq.
John Roberts, gent.
*Malmesbury* B.
Sir Roger Dallyson, kt.
Sir Tho. Dallyson, kt.
*Cricklade* B.
Sir J. Hungerford, kt.
Sir Hen. Pool, knt.
*Great-Bedwyn* B.
John Rodney, esq.
Anth. Hungerford, esq.
*Ludgershal* B.
James Kirton, esq.
Hen. Ludlowe, gent.
*Old Sarum* B.
William Ravenscroft, esq.
Edw. Leache, esq.
*Wotton-Basset* B.
Henry Martin, esq.
Alex. Tutt, esq.
*Marlborough.*
Lawrence Hide, esq.
Rich. Digge, esq.
WORCESTERSHIRE.
Sir Hen. Bromley, kt.
Samuel Sandys, esq.

*Worcester* C.
John Cowther, gent.
Rowland Berkley, esq.
*Droitwich* B.
George Wild, esq.
John Brace, esq.
*Evesham* B.
Sir Tho. Biggs, knt.
Edward Salter, esq.
*Bewdley* B.
Richard Young, esq.
WARWICKSHIRE.
Sir Edw. Grevile, knt.
Sir Rich. Verney, knt.
*Coventry* C.
Henry Breeres, esq.
Sir Jn. Harrington, kt.
*Warwick* B.
Jn. Townshend, gent.
Wm. Spicer, gent.
YORKSHIRE.
Sir Jn. Savile of Hewley, knt.
Sir Rd. Gargrave, knt.
*York* C.
Robert Askwith, alderman
Christ. Brooke, esq.
*Kingston upon Hull* T.
John Edmonds, merc.
Joseph Field, merch.
*Knaresburgh* B.
Sir Hen. Slingsby, kt.
Sir William Slingsby, knt.
*Scarbrough* B.
Francis Emrye, esq.
Sir Thomas Posthumus Hobby, knt.
*Rippon* B.
Sir John Mallory, knt.
Sir John Bennet, knt.
*Richmond* B.
Talbot Bowes, esq.
Rich. Percivall, esq.
*Heiden* B.
Sir Chr. Hildyard, knt.
*Burrowbrigg* B.
Sir Hen. Jenkins, knt.
Sir Tho. Vavasor, knt.
*Thursk* B.
Sir Edw. Swift, knt.
T. Whittingham, esq.
*Aldburgh* B.
Sir Edw. Sheffield, kt.
Sir Hen. Savile, knt.
*Beverley* T.
Alan Piercey, esq.
Wm. Gee, esq.

BARONS OF THE PORTS.
*Hastings.*
Sir Edw. Hales, knt.
James Lasker, gent.
*Winchelsea.*
Adam White, gent.
Thomas Unton, gent.

*Rye.*
John Younge, gent.
Heneage Finch, esq.
*Rumney.*
Sir R. Remington, kt.
John Plommer, gent.
*Hieth.*
Christ. Talderby, esq.
Sir N. Knatchbull, kt.
*Sandwich.*
Sir Geo. Fane, knt.
John Griffith, esq.
*Dover.*
Sir Tho. Waller, knt.
George Binge, gent.

WALES.

ANGLESEY.
Sir Rich. Bulkley, kt.
*Beaumaris* B.
Wm. Jones, esq.
BRECON.
Sir Rob. Knowles, kt.
*Brecon* T.
Sir Hen. Williams, kt.
CARDIGAN.
John Lewis, esq.
*Cardigan* T.
Wm. Bradshaw, esq.
CARMARTHEN.
Sir Rob. Maunsel, kt.
*Carmarthen* T.
Sir Walter Rice, kt.
CARNARVON.
Sir Wm. Maurice, kt.
*Carnarvon* T.
Clem. Edmonds, esq.
DENBIGH.
Peter Matton, esq.
*Denbigh* T.
Hugh Middleton, esq.
FLINT.
Roger Puleston, esq.
*Flint* T.
Roger Brereton, esq.
GLAMORGAN.
Sir Tho. Maunsel, kt.
*Cardiff* T.
Mathew Davies, gent.
MERIONETH.
Sir Edw. Herbert, kt.
MONTGOMERY.
Sir Wm. Herbert, knt.
*Montgomery* T.
Edwaad Whittingham, gent.
PEMBROKE.
Alan Stepneth, esq.
*Pembroke* T.
Rich. Cunye, esq.
*Haverford-West* T.
Sir James Perrot, knt.
RADNOR.
James Price, esq.
*Radnor* T.
Sir Rob. Harley, knt.

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March 19th, 1603, which was still within the first year of this reign, the parl. met at Westminster. The King came in a chariot of estate; the prince of Wales, with all the lords spiritual and temporal, according to ancient custom, rode on horse-back from Whitehall to Westminster, in their parliament robes. When the King being seated on the throne, it pleased his maj. in person, to declare the cause of the summons to the two houses, in the following speech:—

*The King's Speech to his first Parl.*] "My lords of the higher house, and you knights and burgesses of the lower, It did no sooner please God to lighten his hand, and relent the violence of his devouring angel against the poor people of this city, but as soon did I resolve to call this parl. and that for three chief and principal reasons.—The first whereof is (and which of itself, though there were no more, is not only a sufficient, but a most full and necessary ground and reason for convening of this assembly) the first reason, I say, is, that you who are here presently assembled to represent the body of this whole kingdom, and of all sorts of people within the same, may with your own ears hear, and that I out of my own mouth may deliver unto you, the assurance of my due thankfulness for your so joyful and general applause, to the declaring and receiving me in this seat (which God, by my birth-right, and lineal descent, had, in the fullness of time, provided for me) and that immediately after it pleased God to call your late sovereign, of famous memory, full of days, but fuller of immortal trophies of honour, out of this transitory life. Not that I am able to express by words, or utter by eloquence, the vive image of mine inward thankfulness; but only that out of my own mouth, you may rest assured to expect that measure of thankfulness at my hands, which is according to the infiniteness of your deserts, and to my inclination and ability, for requital of the same. Shall I ever, nay, can I ever be able, or rather so unable in memory, as to forget your unexpected readiness and alacrity, your ever memorable resolution, and your most wonderful conjunction and harmony of your hearts, in declaring and embracing me as your undoubted and lawful king and governor? Or shall it ever be blotted out of my mind, how at my first entry into this kingdom, the people of all sorts rid and ran, nay rather flew to meet me? their eyes flaming nothing but sparkles of affection, their mouths and tongues uttering nothing but sounds of joy; their hands, feet, and all the rest of their members in their gestures, discovering a passionate longing, and earnestness to meet and embrace their new soverdign. 'Quid ergo retribuam? Shall I allow in myself that which I could never bear with in another? No, I must plainly and freely confess here in all your audiences, that I did ever naturally so far mislike a tongue too smooth, and diligent in paying their creditors, with lip-payment and verbal thanks, as I ever suspected that sort of people, meant not to pay their debtors in more substantial sort of coin. And therefore for expressing of my thankfulness, I must resort unto the other two reasons of my convening of this parl. by them in action to utter my thankfulness; both the said reasons having but one ground, which is the deeds whereby all the days of my life, I am, by God's grace, to express my said thankfulness towards you, but divided in this; that in the first of these two, mine actions of thanks are so inseparably conjoined with my person, as they are in a manner become individually annexed to the same. In the other reason, mine actions are such, as I may either do them, or leave them undone, though by God's grace, I hope never to be weary of the doing them.—As to the first it is the blessings which God hath, in my person, bestowed upon you all, wherein I protest, I do more glory at the same for your weal, than for any particular respect of my own reputation or advantage therein. The first then of the blessings which God hath jointly with my person sent unto you, is outward peace; that is, peace abroad with all foreign neighbours: for, I thank God, I may justly say, that never since I was a king, I either received wrong of any other christian prince or state, or did wrong to any; I have ever, I praise God, yet kept peace and amity with all, which hath been so far tied to my person, as at my coming here you are witnesses, I found the state embarked in a great and tedious war, and only by mine arrival here, and by the peace in my person, is now amity kept, where war was before, which is no small blessing to a christian commonwealth; for by peace abroad with their neighbours the towns flourish, the merchants become rich, the trade doth increase, and the people of all sorts in the land enjoy free liberty to exercise themselves in their several vocations, without peril or disturbance. Not that I think this outward peace so unseparably tied to my person, as I dare assuredly promise to myself, and to you, the certain continuance thereof; but thus far I can very well assure you, and, on the word of a king, promise unto you, that I shall never give the first occasion of the breach thereof; neither shall I ever be moved for any particular, or private passion of mind, to interrupt your public peace, except I be forced thereunto, either for reparation of the honour of the kingdom, or else by necessity for the weal and preservation of the same; in which case, a secure and hon. war must be preferred to an unsecure and dishonourable peace. Yet I do hope, by my experience of the by-past blessings of peace, which God hath so long, ever since my birth, bestowed upon me, that he will not be weary to continue the same, nor repent him of his grace towards me; transferring that sentence of king David's upon his by-past victories of war, to mine of peace; that that God who preserved me from the devouring jaws of the bear, and of the lion, and delivered them into my hand, shall now also grant me victory over that uncircumcised Philistine.—But although outward peace be a great blessing, yet it is as far infe-



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rior to peace within, as civil wars are more cruel and unnatural than wars abroad. And therefore the second great blessing that God hath, with my person, sent unto you, is peace within, and that in a double form: first, by my descent lineally out of the loins of Henry VII. is reunited and confirmed in me the union of the two princely roses of the two houses of Lancaster and York, whereof that king, of happy memory was the first uniter, as he was also the first ground-layer of the other peace (the lamentable and miserable events, by the civil and bloody dissension betwixt these two houses was so great, and so late, as it need not be renewed unto your memories) which as it was first settled and united in him, so it is now reunited and confirmed in me; being justly and lineally descended, not only of that happy conjunction, but of both the branches thereof in many times before. But the union of these two princely houses is nothing comparable to the union of two ancient and famous kingdoms, which is the other inward peace annexed to my person.—And here I must crave your patience for a little space, to give me leave to discourse more particularly of the benefits that do arise of that union which is made in my blood, being a matter that belongeth most properly to me to speak of, as the head, wherein that great body is united. And first, if we were to look no higher than to natural and physical reasons, we may easily be persuaded of the great benefits that by that union do redound to the whole island; for if twenty thousand men be a strong army, is not the double thereof, forty thousand, a double the stronger army? If a baron enricheth himself with double as many lands as he had before, is he not double the greater? Nature teacheth us, that mountains are made of motes; and that at first, kingdoms being divided, and every particular town, or little country (as tyrants or usurpers could obtain the possession) a signory apart, many of these little kingdoms are now in process of time, by the ordinance of God, joined into great monarchies, whereby they are become powerful within themselves, to defend themselves from all outward invasions, and their head and governor thereby enabled to redeem them from foreign assaults, and punish private transgressions within. Do we do not yet remember that this kingdom was divided into seven little kingdoms, besides Wales? And is it not now the stronger by their union? And hath not the union of Wales to England added a greater strength thereto? Which, though it was a great principality, was nothing comparable in greatness and power to the ancient and famous kingdom of Scotland. But what shall we stick upon any natural appearance, when it is manifest, that God, by his Almighty Providence, hath pre-ordained it so to be? Hath not God first united these two kingdoms, both in language and religion, and similitude of manners? Yea, hath he not made us all in one island, compassed with one sea, and of itself, by nature, so indivisible, as almost those that were borderers themselves on the late borders, cannot distinguish, nor know, or discern their own limits? These two countries being separated neither by sea nor great river, mountain nor other strength of nature, but only by little small brooks, or demolished little walls, so as rather they were divided in apprehension, than in effect; and now in the end and fulness of time united, the right and title of both in my person, alike lineally descended of both the crowns, whereby it is now become in a little world with itself, being intrenched and fortified round about with a natural, and yet admirable, strong pond or ditch, whereby all the former fears of this nation are now quite cut off: the other part of the island being ever before now, not only the place of landing to all strangers that were to make invasion here, but likewise moved by the enemies of this state, by untimely incursions, to make inforced diversion from their conquests, for defending themselves at home, and keeping sure their back-door, as then it was called, which was the greatest hindrance and lett my predecessors of this nation ever got, in disturbing them from their many famous and glorious conquests abroad: 'What God hath conjoined then, let no man separate.' I am the husband, and all the whole island is my lawful wife; I am the head, and it is my body; I am the shepherd, and it is my flock: I hope, therefore, no man will be so unreasonable as to think that I, that am a christian king under the gospel, should be a polygamist, and husband to two wives; that I being the head, should have a divided and monstrous body; or that being the shepherd of so fair a flock (whose fold hath no wall to fence it but the four seas) should have my flock parted in two. But as I am assured, that no honest subject, of whatsoever degree, within my whole dominions, is less glad of this joyful union than I am: so may the frivolous objection of any that would be hinderers of this work (which God hath in my person already established) be easily answered; which can be none, except such as are either blinded with ignorance, or else transported with malice, being unable to live in a well-governed commonwealth, and only delighting to fish in troubled waters: for if they would stand upon their reputation, and privileges of any of the kingdoms; I pray you, were not both of the kingdoms monarchies from the beginning? And, consequently, could ever the body be counted without the head, which was ever unseparably joined thereunto? So that as the honour and privileges of any of the kingdoms could not be divided from their sovereign; so are they now confounded and joined in my person, who am equal and alike kindly head to both. When this kingdom of England was divided into so many petty kingdoms (as I told you before) one of them eat up another, till they were all united into one. And yet can Wiltshire or Devonshire, which were of the West-Saxons (although their kingdom of longest durance, and did, by conquest, over-

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come divers of the rest of the little kingdoms) make claim to priority of place or honour before Sussex, Essex, or other shires, which were conquered by them? And have we not the like experience in the kingdom of France, being composed of divers duchies, and one after another conquered by the sword? For even as little brooks lose their names by running and falling into great rivers, and the very name and memory of great rivers swallowed up in the ocean: so by the conjunction of divers little kingdoms into one, are all these private differences and questions swallowed up. And since the success was happy of the Saxon kingdoms, conquered by the spear of Bellona; now much greater reason have we to expect a happy issue of this greater union, which is only fastened and bound up by the wedding-ring of Astrea? And as God hath made Scotland (the one half of this island) to enjoy my birth, and the first and most imperfect half of my life; and you here to enjoy the perfect and last half thereof: so can I not think that any would be so injurious to me, no not in their thoughts and wishes, as to cut asunder the one half of me from the other. But in this matter I have far enough insisted, resting assured, that in your hearts and minds you all applaud this my discourse.—Now although these blessings (before rehearsed) of inward and outward peace be great; yet seeing that in all good things a great part of their goodness and estimation is lost, if they have not appearance of perpetuity or long continuance: so hath it pleased Almighty God to accompany my person also with that favour, having healthful and hopeful issue of my body (whereof some are here present) for continuance and propagation of that undoubted right which is in my person; under whom I doubt not but it will please God to prosper and continue for many years this union, and all other blessings of inward and outward peace which I have brought with me. But neither peace outward, nor peace inward, nor any other blessing that can follow thereupon, nor appearance of the perpetuity thereof, by propagation in posterity, are but weak pillars and rotten reeds to lean unto, if God doth not strengthen, and, by the staff of his blessing, make them durable; for in vain doth the watchman watch the city, if the Lord be not the principal defence thereof; in vain doth the builder build the house, if God give not the success; and in vain (as Paul saith) doth Paul plant and Apollos water, if God give not the increase; for all wordly blessings are but like swift passing shadows, fading flowers, or chaff blown before the wind, if by the profession of true religion, and works according thereunto, God be not moved to maintain and settle the thrones of princes. And, although that since mine entry into this kingdom, I have, both by meeting with divers of the ecclesiastical estate, and likewise by divers proclamations clearly declared by mind in points of religion; yet do I not think it amiss, in this so solemn an audience, to take occasion to discover somewhat of the secrets of my heart in that matter. For I shall never (with God's grace) be ashamed to make public profession thereof upon all occasions, lest God should be ashamed of me before men and angels; especially lest at this time men might presume further, upon the misknowledge of my meaning, to trouble this parliament of ours than were convenient. At my first coming, although I found but one religion, and that which by myself is professed, publicly allowed, and by the law maintained; yet found I another sort of religion, besides a private sect, lurking within the bowels of this nation. The first is the true religion, which by me is professed, and by law is established: the 2nd is, the falsely called Catholics, but truly Papists: the 3rd, which I call a sect rather than a religion, is the Puritans and Novelists; who do not so far differ from us in points of religion, as in their confused form of policy and parity; being ever discontented with the present government, and impatient to suffer any superiority, which maketh their sects insufferable in any well-governed commonwealth. But as for my course towards them, I remit it to my proclamations made upon that subject. —And now for the Papists, I must put a difference betwixt mine own private profession of mine own salvation, and my politic government of the realm for the weal and quietness thereof. As for mine own profession, you have me your head now amongst you of the same religion that the body is of. As I am no stranger to you in blood, no more am I a stranger to you in faith, or in the matters concerning the house of God. And although this my profession be according to mine education, wherein (I thank God) I sucked the milk of God's truth with the milk of my nurse; yet do I here protest unto you, that I would never for such a conceit of constancy, or other prejudicate opinion, have so firmly kept my first profession, if I had not found it agreeable to all reason, and to the rule of my conscience. But I was never violent nor unreasonable in my profession: I acknowledge the Roman church to be our mother church, although defiled with some infirmities and corruptions, as the Jews were when they crucified Christ: and as I am none enemy to the life of a sick man, because I would have his body purged of ill humours; no more am I enemy to their church because I would have them reform their errors, not wishing the down-throwing of the temple, but that it might be purged and cleansed from corruption; otherwise, how can they wish us to enter, if their house be not first made clean? But as I would be loather to dispense in the least point of mine own conscience for any wordly respect, than the foolishest Precisian of them all; so would I be as sorry to strait the politic government of the bodies and minds of all my subjects to my private opinions: nay, my mind was ever so free from persecution, or thralling of my subjects in matters of conscience, as I hope that those of that

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profession within this kingdom have a proof since my coming, that I was so far from increasing their burdens with Rehoboam, as I have, so much as either time, occasion, or law could permit, lightened them. And even now at this time, have I been careful to revise and consider deeply upon the laws made against them, that some overture may be porponed to the present parl. for clearing these laws, by reason (which is the soul of the law) in case they have been, in times past, further or more rigorously extended by judges than the meaning of the law was, or might tend to the hurt as well of the innocent as of guilty persons. And as to the persons of my subjects which are of that profession, I must divide them into two ranks, clerics and laics; for the part of the laics, certainly I ever thought them far more excusable than the other sort; because that sort of religion containeth such an ignorant, doubtful, and implicit kind of faith in the laics grounded upon their church, as except they generally believe whatsoever their teachers please to affirm, they cannot be thought guilty of these particular points of heresies and corruptions which their teachers do so wilfully profess. And again, I must subdivide the same laics into two ranks; that is, either quiet and well-minded men, peaceable subjects, who, either being old, have retained their first drunken-in liquor, upon a certain shamefacedness to be thought curious or changeable; or, being young men, through evil education, have never been nursed or brought up, but upon such venom in place of wholesome nutriment; and that sort of people, I would be sorry to punish their bodies for the error of their minds, the reformation whereof must only come of God, and the true spirit. But the other rank of laics, who, either through curiosity, affectation of novelty, or discontentment in their private humours, have changed their coats, only to be factious stirrers of sedition, and perturbers of the commonwealth; their backwardness in their religion giveth a ground to me the magistrate, to take the better heed to their proceedings, and to correct their obstinacy. But for the part of the clerics, I must directly say and affirm, that as long as they maintain one special point of their doctrine, and another point of their practice, they are no way sufferable to remain in this kingdom. Their point of doctrine is that arrogant and ambitious supremacy of their head, the Pope; whereby he not only claims to be spiritual head of all Christians, but also to have an imperial civil power over all kings and emperors; dethroning and decrowning princes with his foot, as pleaseth him, and dispensing and disposing of all kingdoms and empires at his appetite. The other point which they observe in continual practice, is the assassinates and murders of kings; thinking it no sin, but rather a matter of salvation, to do all acts of rebellion and hostility against their natural sovereign lord, if he be once cursed, his subjects discharged of their fidelity, and his kingdom given a prey by that three-crowned monarch, or rather monster, their head. And in this point I have no occasion to speak further here, saving that I could wish from my heart, that it would please God to make me one of the members of such a general Christian union in religion, as laying wilfulness aside on both hands, we might meet in the midst, which is the center and perfection of all things. For if they would leave, and be ashamed of such new and gross corruptions of theirs, as themselves cannot maintain, nor deny to be worthy of reformation; I would, for mine own part, be content to meet them in the mid-way, so that all novelties might be renounced on either side. For as my faith is the true ancient catholic and apostolic faith, grounded upon the scriptures and express word of God; so will I ever yield all reverence to antiquity in the points of ecclesiastical policy; and by that means shall I ever, with God's grace, keep myself from ever being an heretic in faith, or schismatic in matters of Policy. But of one thing would I have the Papists of this land to be admonished, that they presume not so much upon my lenity (because I would be loth to be thought a persecutor) as thereupon, to think it lawful for them daily to increase their number and strength in this kingdom; whereby, if not in my time, at least in the time of my posterity, they might be in hope to erect their religion again. No; let them assure themselves, that, as I am a friend to their persons, if they be good subjects; so am I an avowed enemy, and do denounce mortal war to their errors; and, that as I would be sorry to be driven by their ill behaviour from the protection and conservation of their bodies and lives; so will I never cease, as far I can, to tread down their errors and wrong opinions. For I could not permit the increase and growing of their religion, without first betraying of myself and mine own conscience: secondly, this whole isle, as well the part I am come from, as the part I remain in, in betraying their liberties, and reducing them to the former slavish yoke, which both had cast off before I came amongst them: and, thirdly, the liberty of the crown in my posterity, which I should leave again in slavery, having found it left free to me by my predecessors. And therefore, would I wish all good subjects that are deceived with that corruption; first, if they find any beginning of instinction in themselves of knowledge and love to the truth, to foster the same by all lawful means, and to beware of quenching the spirit that worketh within them; and if they can find as yet no motion tending that way, to be studious to read and confer with learned men; and to use all such means as may further their resolution, assuring themselves, that as long as they are disconformable in religion from us, they cannot be but half my subjects; be able to do but half service, and I to want the best half of them, which is their souls. And here have I occasion to speak to you my lords the bishops:

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for as you, my lord of Durham, said very learnedly to day in your sermon, 'correction without instruction, is but a tyranny;' so ought you, and all the clergy under you, to be more careful, vigilant, and diligent than you have been, to win souls to God, as well by your exemplary life, as doctrine. And since you see how careful they are, sparing neither labour, pains, nor extreme peril of their persons to divert (the devil is so busy a bishop), ye should be the more careful and wakeful in your charges. Follow the rule prescribed you by st. Paul, 'be careful so exhort and to instruct in season and out of season;' and where you have been any way sluggish before, now waken yourselves up again with a new diligence in this point, remitting the success to God, who calling them either at the second, third, tenth or twelfth hour, as they are alike welcome to him, so shall they be to me, his lieutenant here.—The 3rd reason of my conveening of you at this time, which containeth such actions of my thankfulness toward you, as I may either do, or leave undone, yet shall, with God's grace, ever press to perform all the days of my life: it consists in these two points, in making of laws at certain times, which is only at such times as this in parliament, or in the careful execution thereof at all other times. As for the making of them, I will thus far faithfully promise unto you, that I will ever prefer the weal of the body, and of the whole commonwealth, in making of good laws and constitutions, to any particular or private ends of mine, thinking ever the wealth and weal of the commonwealth to be my greatest weal and wordly felicity: a point wherein a lawful king doth directly differ from a tyrant. But at this time, I am only thus far to forwarn you in that point, that you beware to seek the making of too many laws, for two especial reasons: first, because, 'in corruptissima republica plurimæ legis;' and the execution of good laws is far more profitable in a commonwealth, than to burden men's memories with the making of too many of them. And next, because the making of too many laws in one parl. will bring in confusion, for lack of leisure wisely to deliberate before you conclude: for the bishop said well to-day, that to deliberation would a large time be given, but to execution a greater promptness was required. As for the execution of good laws, it hath been very wisely and honourably foreseen and ordered by my predecessors in this kingdom, in planting such a number of judges, and all sorts of magistrates in convenient places for the execution of the same; and therefore must I now turn me to you that are judges and magistrates under me, as mine eyes and ears in this case. I can say none otherwise to you then as Ezekias, the good king of Juda, said to their judges, 'Remember that the thrones you sit on are God's, and neither yours nor mine:' and that as you must be answerable to me, so must both you and I be answerable to God, for the due execution of our offices. That place is no place for you to utter your affections in, you must not there hate your foe nor love your friend, fear the offence of the greater party, or pity the misery of the meaner; ye must be blind and not see distinctions of persons, handless, not to receive bribes; but keep that just temper and mid-course in all your proceedings, that like a just balance ye may neither sway to the right nor left hand. Three principal qualities are required in you, knowledge, courage, and sincerity: that you may discern with knowledge, execute with courage, and do both in upright sincerity. And, as for my part, I do vow and protest here in the presence of God, and of this honourable audience, I never shall be weary, nor omit no occasion, wherein I may shew my carefulness of the execution of good laws. And as I wish you that are judges not to be weary in your office in doing of it; so I shall never be weary, with God's grace, to take account of you, which is properly my calling.—And thus having told you the three causes of my conveening of this parl. all three tending only to utter my thankfulness, but in divers forms, the first by word, the other two by action; I do confess that when I have done and performed all that in this speech I have promised, 'inutilis servus sum:' inutile, because the meaning of the word 'inutilis' in that place of scripture is understood, that in doing all that service which we can to God, it is but our due, and we do nothing to God but that which we are bound to do. And in like manner, when I have done all that I can for you, I do nothing but that which I am bound to do, and am accountable to God upon the contrary: for I do acknowledge, that the special and greatest point of difference that is betwixt a rightful king and an usurping tyrant is in this; that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for satisfaction of his desires and unreasonable appetites; the righteous and just king doth, by the contrary, acknowledge himself to be ordained for the procuring of the wealth and prosperity of his people, and that his greatest and principal worldly felicity must consist in their prosperity. If you be rich I cannot be poor; if you be happy I cannot but be fortunate; and I protest that your welfare shall ever be my greatest care and contentment: and that I am a servant it is most true, that as I am head and governor of all the people in my dominion who are my natural vassals and subjects, considering them in numbers and distinct ranks; so if we will take the whole people as one body and mass, then as the head is ordained for the body, and not the body for the head; so must a righteous king know himself to be ordained for his people, and not his people for him: for although a king and people be *relata*, yet can he be no king if he want people and subjects. But there be many people in the world that lack a head, wherefore I will never be ashamed to confess it my principal honour, to be the great servant of the common-wealth, and ever think

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the prosperity thereof to be my greatest felicity, as I have already said. But as it was the whole body of this kingdom, with an uniform assent and harmony, as I told you in the beginning of my speech, which did so far oblige me in good-will and thankfulness of requital by their alacrity and readiness in declaring and receiving me to that place which God had provided for me, and not any particular persons: (for then it had not been the body) so is my thankfulness due to the whole state. For even as in matter of faults, 'Quod à multis peccatur, impune peccatur:' even so even in the matter of virtuous and good deeds, what is done by the willing consent and harmony of the whole body, no particular person can justly claim thanks as proper to him for the same. And therefore I must here make a little apology for myself, in that I could not satisfy the particular humours of every person, that looked for some advancement or reward at my hand, since my entry into this kingdom. Three kind of things were craved of me: advancement to honour, preferment to place of credit about my person, and reward in matters of land or profit. If I had bestowed honour upon all, no man could have been advanced to honour. For the degrees of honour do consist in preferring some above their fellows. If every man had the like access to my privy or bed-chamber, then no man could have it, because it cannot contain all. And if I had bestowed lands and rewards upon every man, the fountain of my liberality would be so exhausted and dried, as I would lack means to be liberal to any man. And yet was I not so sparing, but I may, without vaunting, affirm, that I have enlarged my favour in all the three degrees, towards as many and more than ever king of England did in so short a space: no, I rather crave your pardon that I have been so bountiful: for if the means of the crown be wasted, I behoved then to have recourse to you my subjects, and be burdensome to you, which I would be lothest to be of any king alive. For as it is true, that as I have already said, it was a whole body which did deserve so well at my hand, and not every particular person of the people: yet were there some who by reason of their office, credit with the people or otherwise, took occasion both before, and at the time of my coming amongst you, to give proof of their love and affection towards me. Not that I am any way in doubt, that if other of my subjects had been in their places, and had had the like occasion, but they would have uttered the like good effects, (so general and so great were the love and affection of you all towards me:) but yet this having been performed by some special persons, I could not, without unthankfulness, but requite them accordingly. And therefore had I just occasion to advance some in honour, some to places of service about me, and by rewarding to enable some who had deserved well of me, and were not otherwise able to maintain the ranks I thought them capable of; and others, who although they had not particularly deserved before, yet I found them capable and worthy of place of preferment and credit, and not able to sustain those places for which I thought them fit, without my help. Two especial causes moved me to be so open handed; whereof the one was reasonable and honourable: but the other, I will not be ashamed to confess unto you, proceeded of mine own infirmity. That which was just and honourable, was, that being so far beholding to the body of the whole state, I thought I could not refuse to let run some small brooks out of the fountain of my thankfulness to the whole, for refreshing of particular persons that were members of that multitude. The other, which proceeded out of mine own infirmity, was the multitude and importunity of suitors. But although reason come by infusion in a manner, yet experience groweth with time and labour: and therefore do I not doubt, but experience in time coming will both teach the particular subjects of this kingdom, not to be so importune and undiscrete in craving; and me not to be so easily and lightly moved, in granting that which may be harmful to my estate, and consequently to the whole kingdom. And thus having at length declared unto you my mind in all the points, for the which I called this parl.: my conclusion shall only now be to excuse myself, in case you have not found such eloquence in my speech, as peradventure you might have looked for at my hands. I might, if I list, alledge the great weight of my affairs and my continual business and distraction, that I could never have leisure to think upon what I was to speak, before I came to the place where I was to speak: and I might also alledge, that my first sight of this so famous and honourable an assembly, might likewise breed some impediment. But leaving these excuses, I will plainly and freely, in my manner, tell you the true cause of it, which is, that it becometh a king, in my opinion, to use no other eloquence than plainness and sincerity. By plainness I mean, that his speeches should be so clear and void of all ambiguity, that they may not be thrown, nor rent asunder into contrary senses like the old oracles of the Pagan gods. And by sincerity, I understand that uprightness and honesty which ought to be in a king's whole speeches and actions: that as far as a king is in honour erected above any of his subjects, so far should he strive in sincerity to be above them all, and that his tongue should be ever the true messenger of his heart: and this sort of eloquence may you ever assuredly look for at my hands."

The King's Speech being ended, the Lord Chanc. made a short one, according to form and order; and, in the end, signified his maj.'s pleasure to the Commons, that they should go and make choice of a Speaker, and present him to the king on the 22d of the same month. Accordingly, on the said day, sir Edw. Phellips,

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knt. king's serjeant, was brought up to the bar of the Lords, by several knights and burgesses, as their Speaker, and, with the usual ceremonies, was allowed. The Journals of the Commons, for this, and all the succeeding parliaments, are much more copious and circumstantial than formerly; therefore to take notice of every incident, would be endless. For the first days of this session, they are mostly taken up with regulating Elections, and ascertaining Privileges, &c. which we shall omit; except the famous case of sir Francis Goodwin and sir John Fortescue, which must find a place in these enquiries. When any thing else occurs in these Journals, not taken notice of by the Lords, it shall also find a place. We shall omit the form of the Writ in the Journals and some other ceremonies, and pass on to the speaker's speech to the king, on his being confirmed in that office, which the same authority gives us in these words:

*The Speaker's Speech to the King.*] "Most renowned, and of all other most worthy to be admired, sovereign: As the supreme and all powerful king of heaven hath created man to govern his works, so did he depute terrestrial kings, in whom his image was, to govern men; but yet so, as still to think, that they themselves are but men: and to that end adorned them with three imperial ensigns of honour; a crown, a sceptre, and a sword; commanding to the crown reverence, to the sceptre obedience, and to the sword fear: wherewith, in his divine distribution of kings and kingdoms, he hath magnified and invested your sacred person, in the imperial throne of this most victorious and happy nation, wherein you now do, and Nestor like, long may, sit; not as a conqueror, by the sword, but as an undoubted inheritor, by the sceptre; not as a step-father, by match or alliance, but as a true tender father, by descent of nature, to whom we your children are truly naturalized in our subjection, and from whom in our loyalty we expect unto us a paternal protection: the ark of government of which kingdom hath ever been steered by the laws of the same; and these distributed to the jurisdiction of several courts of justice; the commanding and imperial court whereof is this your maj.'s great and high court of parl.; by whose power only new laws are to be instituted, imperfect laws reformed, and inconvenient laws abrogated; whose justice therein is such, and so absolute, that no such laws can either be instituted, reformed, or abrogated, but by the unity of the commons agreement, the lords accord, and your maj.'s royal and regal assent; only to your highness's prerogative nullity, by your own disassent to their conclusions, belongeth; for that this court standeth compounded of two powers; the one ordinary, the other absolute: ordinary, in the lords and commons proceedings: but in your highness, absolute, either negatively to frustrate, or affirmatively to confirm; but not to institute. The body of which court or council of estate consisteth of two houses; the one, the lower house of parl. the members whereof are the knights of shires, and burgesses of towns and corporations; the other, the higher house, framed of the lords spiritual and temporal: the personal attendance of all which particular members your maj. by your prerogative royal, hath now commanded; and accordingly your dutiful and loyal subjects, the knights and burgesses of the lower house, have therein presented themselves, and, answerable to the ancient privilege of that place, and your gracious liberty and favour to them vouchsafed, the better thereby to avoid the inconvenience of parity, the mother of confusion and enemy to unity, have nominated my worthless self their unworthy Speaker; wherein although their affections and loves (the abuses of true opinion and judgment) have in this misguided their former known and approved wisdoms; yet it resteth in your regal power, either to breathe life, or pronounce death to this their yet unwarranted nomination. Give me leave therefore, most prudent and deserving sovereign, to appeal from their misled opinions, by the misguide of their favours, to your approved justice and judgment; and rather therein to blemish my defective self, by laying open my secret imperfections, and thereby endamaging only mine own particular private, than to deceive their hopes (being of me but waking dreams) and wrong the weight of this so great and important public service; which requireth to be managed by the absolute perfection of experience, the mother of prudence; by the profoundness of literature, the father of true judgment; and by the fulness and grace of nature's gifts, which are the beauty and ornament of arts and actions from the virtues of all and every whereof I am so far estranged, that not tasting of Parnassus's springs at all, nor of that honey, left upon the lips of Plato and Pindarus by the bees, birds of the muses; as I remain touched with the error of the contrary, and thereby am disabled to undergo the weight of so heavy a burthen, under which I do already groan, and shall both faint and fail, if not by your justice disburthened, or by your clemency commiserate. I therefore prostrating myself at the foot of your justice-seat, do implore my discharge; not moved thereto by any cold humour to your highness's service (for therein I rather chuse to be cooled by death than by want of will to neglect the same) but only through the frost-bitten defects of mine own imperfections; which if they could be repaired with mind's true zeal to affect that, which my heart desireth, then life breatheth not in that body, who more longeth to employ the same in all duties, that may to your maj. be serviceable, or to your highness acceptable. Notwithstanding, as your devoted subject and servant, I only and wholly subject myself, my state and life, as the true subject of your gracious pleasure; desiring not longer to live, than so to live, that my breath and life may breathe out to your maj. loyalty, faith, and obedience, whereof my life and death shall be my pawn

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and pledge."—[Here he stopp'd; but being told by the lord chanc. that the king would not excuse him, but confirm the election of the commons; he then proceeded:]—

"Most renowned Sovereign, If a divided mind may frame a well-joined answer, then may I say, too much, more than too justly, may your maj. contemn my wants, but never condemn my want of duty: for, although in this place of employment (now commanded) I ought and do, give precedency to many, yet to none in my will to do you service; for therein my zeal shall ever resemble the fire, hot, and yet trembling; hot, in my desire to discharge the full measure of my duty; but, Pisander like, trembling, in my fear, lest, through my imperfections, I fail in that, which I should perform. My course of life hath not been much conversant in the study of arts, which might make me speak 'scripta vel sculpta,' as Demosthenes wished; nor in the policies of state, of which a subject to his sovereign must speak 'breviter aut suaviter;' but in the profession and practice of the laws, which are 'nervi republicæ et ligamenta,' the bonds and sinews of this kingdom; which yield more fruits of reason, than words, the buds of art, and blossoming terms of eloquence: and therefore to confine myself within the proper element of my profession, and not to aim and snatch at things beyond my reach; be pleased, of all others most renowned sovereign, in few and unfiled words, to entertain with your gracious aspect a comparative resemblance between a body by nature and the body politic of this your maj.'s commonwealth, figured and drawn out of the rules of law; whereof, as the natural body of the one is framed of four principal parts, namely, of a head, of a body, of a life, and of a soul; so is the politic body of the other compounded of like four essential members; as of a head, of a body, of a life, and of a soul: and as, by the disbranching of any one particular from the natural body, the perfection of the whole is dissolved; so, by the dismembring from the politic body of any one of the four politic parts, the glory of the whole is disrooted. This politic head now is (and we all, with one zealous and united devotion, pray, long and long may be) your most honoured and best deserving self; this body politic now is, and still desire to be your loyal and faithful subjects; this politic life now is, and so well deserves to be, your highness's common and positive laws; this politic soul now is, and so of necessity must be, your absolute justice in the true distribution of the same. And as the natural head of the one (although the prince, and directing part of the whole) cannot be supported without his natural body, nor the natural body without his natural life, nor the natural life breathe without the soul; no more can the politic head of the other (although the supreme and commanding part) stand secure without his subjects, being the politic body, nor the politic body without his laws, being his politic life, nor his politic life without his politic soul, being execution. And as the natural body of the one is subject to the imperfections of nature, and, in best health and fulness, findeth least his danger; so in peace and plenty, is the other subject to enormities of misguide and error; which made good laws spring out of bad manners; for if diseases were not, there needs no medicines; nor use of laws, but for restraint of evils. The natural head's providence protecteth the body from gross diseases, and discreet foresight preventeth afterclaps of danger; so the wisdom, prudence, and good guide of the politic head, is the sovereign preservative against the infectious poison of discord and disorder: and as to each part of the natural body belongeth, divers, several, and divided duties and offices to be performed; so is (or ought to be) every part of the politic body attended on with four particular virtues and properties: as, to the head there belongeth, first, zeal in religion, whereby God may be truly honoured; 2ndly, prudence in constituting laws, whereby the body may be rightly governed; 3rdly, magnanimity, to repel the fury, both of foes and fortunes; 4thly, justice, tempered so with mercy, whereby the well-disposed may not be drawn to presume, nor the rash and negligent delinquent driven to despair: to the body, first, devotion, to pray for the safety of so precious an head; 2ndly, minds and will to obey him in all faithful loyalty; 3rdly, hands and hearts, as brethren in unity, to fight against the common enemy in defence of his royal dignity; 4thly, purses prepared and open to supply the necessary occasions of his sovereignty: to the life, being the law, belongeth, first, to inform you our prince, how us your subjects to command; 2ndly, to direct us your subjects, how you our sovereign to obey; 3rdly, to instruct your highness's magistrates, and officers of justice, with knowledge how to adjudge; 4thly, to teach your ministers of government the mean and manner how to discipline; for ignorance of laws brings error in judgment, and error or corruption in judgment is the very plague of the innocent: the soul, being execution, requireth, first, to preserve the authority of laws from contempt; 2dly, to maintain the power of government in his absolute virtue; 3dly, to protect the oppressed from the tyranny of oppression; 4thly, to correct the oppressors with the sword of judicial censure, that your laws may not be cobwebs to punish little flies, and let the great escape; for lenity and gentleness to such so bad, is nothing else but cruelty to them that are good. A body of these mixtures, thus compounded, is both to the prince and subjects in earth, and all earthly things, 'summum bonum.' For the first four virtues of the head God is honoured, the people governed, enemies are repelled, justice without tyranny, and mercy without remissness distributed. By the second four duties of the body, the head is secured, loyalty performed, royalty defended, sovereignty in wars maintained, and in peace adorned. By the third four properties of the life, being the law, commandments are rightly com-

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manded, obedience is truly yielded, judgments with knowledge are pronounced, executions without error executed. By the last four offices of the soul, being execution, you shall find laws in authority preserved, government in his virtue maintained, the oppressed strongly, yea, graciously protected, and the oppressors sharply and worthily corrected. And if any kingdom and body politic might appropriate the perfection of this so blessed happiness to themselves, it is we, now your maj.'s subjects, in our late deceased sovereign queen, and in you, our liege and living king: for such was the virtue of her princely regiment, that, as living, she lived, of her sex, the wonder of her time; so now dead, she liveth a true mirror to all succeeding ages. For that in her religion she was zealous, without wavering; in her counsels wise, without levity; in her determinings deliberate, without rashness; in her resolutions constant, without mutability; in her justice absolute, without cruelty; in her mercy temperate, without careless remissness; in her choice of magistrates of justice, and officers of attendance, curiously respective, without sudden admission; 1st, trying their deserts by the touchstone of her council's censure; and, 2ndly, approving them in the fire of the worth of their own virtues, and not by the value of their own corrupt-given rewards; misliking snaky ambition, that winds itself into many figures, till it slide into the room which it desires; but ever condemning it as an evil of dangerous consequence, to place worthless men in worthy places; foreknowing, they that want true sufficiency to raise themselves, will make them a ladder of any mischief: 2ndly, as a thing to herself dishonourable, unless with virtue she held the scales, and weighed their deserts in the balance of honour: 3rdly, to her subjects intolerable, to impose, or suffer, in place of justice, a bribing and corrupt magistrate: and lastly, to the government of the estate, she esteemed them the rocks of government's reproach, the quick-sands of true justice, and the whirlpool of the commonwealth's decay; wherein, if in ought misled by the error of information (from which the king of Heaven only, and no king on earth, is free) theirs, and not her's, was the deserved blame of that offence; whose example therein, being dead, if in ought so misguided, liveth to the living a lively admonisher, both to abhor and abandon temporising smoothers, Matchavilian politiquers, and corrupt bribing informers, as the venemous poisoners of virtue's clear fountain. By which, and many other her princely governments, we, her people, loved her with our hearts true love; obeyed her with concience, not by constraint; feared for her, never feared by her; prayed for her with the spirit of faith; and lived to die for her in all constant loyalty. The same love, the same obedience, the same fear, the same faith, and the self-same loyalty, we still retain, and faithfully, constantly, and religiously profess, protest, and present to your most sacred maj. resolving ourselves, that, as by nature, you both descended from that blessed root of union, under whom, by whom, and from whom, she did, and your maj. now doth, wear and bear the imperial crown and scepter of this thrice blessed monarchy; that, as she did, so your maj. will bud the like or greater fruits of such a Solomon, and so heroic a root: whereof your zeal in religion, your unblemished course of life, your precedence before all other princes in divine and moral literature, your temperance in disposition, your justice in your judgments, your mercy to delinquents, and your approved magnanimity in dangers, these all give us assurance, that we have but exchanged our exquisite queen for an absolute king: and if success of ends may be foreknown by their beginnings, and conclusions approved by the premises, then may I conclude, that never were more blessed in their king, nor king more beloved and happy in his people: for such, and so high, was and is our esteem of your princely deserts, and such, and so great, did and do we value the price of your eminent and unmatchable perfections, that without hearts grudging, minds murmuring, or thoughts discontent (some few impostumed persons, now disvomited, excepted) you wear, and long may wear, the imperial crown of this right powerful kingdom; whose people your maj. shall find by profession to be religious, without fantastical curiosity; by nature, to be resolute, without insolency; by subjection, to be loyal and faithful, without treason or treachery; by moderate discipline, to be tractable and obedient, without rebellion; and by law and authority only to seek to right their wrongs, without treacherous revenge, or public hostility; and yet, 'inter pares,' impatient of baseness and servility. 'Jura regalia' they usurp not; but to the crown they do their reverence, to the scepter their obedience, and the imperial sword they only fear; whereby this day, that, to foreign enemies and domestical discontents, was (ill mens' hope, and good mens' fear) to be the day of blood, is now become the day of England's settled peace and joyful safety; and may well be said, this is the day that the Lord hath made, let England rejoice and triumph in it; for that virtue is now no treason, nor no man wisheth the reign of Augustus, nor speaketh of the first times of Tiberius. And although some fiery-spirited detractors very fault-finding, and yet very faulty, have derogated from princes' regiment, from states' govt. from senates' integrity, from judges' justice, from magistrates' discipline, and from commons' obedience; yet foregoing time, and your maj.'s present and future trial, shall approve it a regiment never more renowned, a govt. never more constantly settled, a senate never more justly wise, judges never more judicially just, magistrates never more respectively vigilant, nor commons never more loyally obedient; and although, as men, subject to the imperfections of men, yet from hands' and hearts' corruption as free from de-



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serving accusation as such traducing earwigs are guilty of condemnation. And had your majesty before your princely arrival, been an eye and an ear-witness to the prudent and provident directions and endeavours of the then council of estate, of the regardful employment of the nobility, of the vigilant circumspection of the officers and ministers of justice, and generally of the loyal conformity and obedience of the commons, all in their several ranks endeavouring and agreeing, with hearts' true united consent, to your highness's instalment; you then would, out of your princely judgment, rather have approved it a free election than a descending right; wherein they expressed their judgments in your undoubted title, manifested their reverend respects to your high and admired virtues, and approved their loyalty to your approved crown and scepter. And although the policies of precedent time did forbear the public declaration of your then future, and now present right; yet was both the head and the body so far from purpose to impeach the same, that confidently I believe, and boldly dare affirm, that neither she nor they ever thought thought or dreamed dream to offer wrong to your succession therein; but as the one was in policy forborn, so in conscience the other was never purposed. And now, since God, to whose only prerogative the inthronizing and disthronizing of kings appertaineth, hath, by the setting of her sun, raised and spread the beams of your glory, and by calling her to his heavenly service hath freed her from her temporal regiment, and hath, out of his divine providence, crowned you with the same crown, blessed you with the same religion, enriched you with the same dominions, and strengthened you with the hearts of the self-same subjects and people; that, as she did, so your maj. will be pleased to protect us in our religion, to favour us in our loyalties, to cherish us in our obedience, and to nourish us in our faithful subjection. And as to her, so to you, we faithfully prostrate and subject ourselves, our state, and lives to be disposed and sacrificed for and in your maj.'s service; religiously praying, that your highness's govt. and our subjection may be to God pleasing; to you, our sovereign, absolute; to enemies and traitors powerful and fearful; and to all true devoted subjects fruitful and comfortable: then shall God be glorified, your maj. renowned, religion advanced, and your state and people secured from Pope's cursings, enemies' oppressions, and traitors' treacheries; whereunto all true English hearts say, Amen. And thus being by the rules of discretion foretold, that to offend your sacred ears with 'multa,' since to satisfy your gracious expectation with 'multum' is denied me, were an error, of errors the most erroneous. Therefore, since I retain not the virtue of the one, give me leave, most magnificent sovereign, to prevent the error of the other; and in these few words be pleased to receive as much as can be conceived, may proceed from a man and mind, truly and wholly devoted to your service; who desireth no longer to breathe, than so to breathe, that his breath may breathe out to your maj. loyalty, faith, and obedience, whereof his life and death shall be his pawn and pledge: who here, upon the knees of my duty, in all humility, do present to your gracious consideration five petitions; the benefit of three whereof are peculiar to mine own particular, the other two to the knights, burgesses, and members of the lower house of parl. The first whereof is, that if, in your gracious eyes, ears, or judgment, during the time of this mine employment and service, I have, do, or shall, through my imperfections (which already appear to your maj. to be too too many) either in manner, form, or matter, neglect that which I ought to have performed, or err in that which I ought not to have done, that your maj. will be pleased, out of your clemency, rather to commiserate the same, than out of your justice therein to correct my unwilling committed errors. Secondly, that if any, by private information, endeavour to possess your sacred ears with matter of blemish or detraction concerning my course of proceeding, that your gracious censure thereof may be suspended, until, by your pleasure, I be called to my trial and your judgment: for that many things may be either miscarried or misconceived in causes of this nature.—Thirdly, that as occasion shall move; I may, by your royal favour, be permitted access to your princely presence, in places and times convenient, for such negociations, as the duty of my place shall require. Fourthly, * * * *." What followed is omitted in the Journals; but it could be no more than the common form of asking for liberty of speech, &c. which, as usual, was granted.

*Affront offered to a Member.*] The first thing the Commons went upon, when they were returned to their own house, was, to examine into a complaint, then made, by sir Herbert Crofts, one of their members. It seems this gent. coming up with others to hear the king's speech, in the house of lords, had the door shut upon him; and one Bryan Tashe, a yeoman of the guard, violently repulsed sir Herbert, saying, 'Goodman Burgess you come not here.' This was resented as an affront to the whole house; and it might have proved vexatious, had not one of the officers of state made up the matter; so the house was contented with Tashe's acknowledging and asking pardon for his fault, and receiving a reprimand from the Speaker, on his knees, at the bar for it.

*Act for recognising the King's Title.*] The first bill that was brought into the Lords bore this title, 'A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent, and Right of the Crown.' In the course of two days it passed the Lords, and was sent down to the Commons, by an extraordinary commission. The Commons were no less eager to pay their compliments to their

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new king; for March 31, we find this entry in the Lords' Journals. "This day the bill intituled 'An act for a most joyful and just recognition, &c.' was returned to their lordships from the lower house, by the hands of mr. sec. Herbert, accompanied by the most part of the knights and burgesses of the said house, who signified their joyful acceptation of the said bill, and their willingness in expediting it, by giving 3 several readings to the same, as soon as they received it."

*A grand Conference between the Two Houses.*] March 26. On a motion of the lord Cecil, a Conference was agreed upon to be had with a certain number of the Lower House, concerning the public State of the Nation; and on two things, in particular, Purveyors and Respite of Homage. To which the Commons desired might be added another article concerning the matter of Wards: answer was returned back, by the Lords, "That they liked well the motion for a Conference, touching the last mentioned matter. But, with all, because there were several other things that did concern the public state; of which it was, likewise proper to have conference, before hand, for the better furtherance of the public service; and, in regard, the said matters were of importance, their lordships desire them to increase the number of their committee as they intended to do theirs. A large committee of lords were accordingly appointed, consisting of 9 earls, 1 visc. 6 bps. and 13 barons; who were to be attended by the 2 lord chief justices, 4 judges, mr. serjeant Crook, and mr. attorney-general. The commons deputed about 60 knights and burgesses of their house; and this is all that the Journals of the Lords mention of this matter. But the Journals of the Commons are not so silent; for it was, indeed, a business of importance to the Liberties and Privileges of that House. Rapin, (from Coke) represents this affair as another instance of this king's aiming at absolute power. In order to introduce this matter, we shall give a paragraph from this author's History of England, (v. 2, p. 168) and then subjoin the whole Account, as it stands in the Journals of the Commons at this day. "Immediately after the opening of the parl. the Commons examining, according to custom, the contested Elections, there was a debate in the house about the return of sir Francis Goodwin, and sir John Fortescue, for knight of the shire for the county of Bucks, and upon a full hearing, sir Francis was declared duly elected. Three days after, the Lords sent a message to the Commons, that there might be a conference about Goodwin's election. The Commons surprised at so extraordinary a message, answered, They did not think themselves obliged to give an account of their proceedings, and therefore could not grant the conference required. The Lords replied, the king having been acquainted with what had passed in Goodwin's case, thought himself engaged in honour to have the affair debated again, and had ordered them to confer with the Commons upon it. Whereupon, the Commons, by their Speaker, gave their reasons to the king, why they could not admit of this innovation. But all they could obtain was, that instead of a conference with the Lords, the king commanded them to confer with the judges. This pleased them no more than the other. They set down their reasons in writing, and delivered them at the Council-Chamber, to desire their lordships to intercede for them to the king, not to violate their privileges. The answer was, the king absolutely commanded them to have a conference with the judges. The Commons were extremely surprised at so absolute an order. Meanwhile, fearing to be accused of too easily engaging in a quarrel with the king, they thought it more proper to yield, than stand out, fully bent however to adhere to what had been determined in the case of the contested Election. Certainly the king had engaged in a very nice affair, and probably would not have come off with honour, had he not been disengaged by Goodwin's moderation. Sir Francis chusing to forfeit his right rather than occasion a quarrel between the King and the Commons, desired the house to order the county of Bucks to elect another knight in his stead. The King and Commons equally accepted of this expedient, which prevented them from coming to extremities; but the king found from hence, that no great account was made of the proclamation upon calling the parl. whereby he meant to be master of the elections." Thus far mr. Rapin. This Case of sir Fra. Goodwin was printed, by order of the House of Commons, in 1704, under the direction of Rob. Harley, esq. (afterwards earl of Oxford) then Speaker, on occasion of the famous debate, at that time, upon the Aylesbury Election.

*The Case between sir Francis Goodwin and sir John Fortescue, relative to a Return for the County of Buckingham.*] The first motion was made on the 22d of March, by sir Wm. Fleetwood, one of the knights returned for the county of Bucks, on the behalf of sir Fra. Goodwin, knt. who, upon the first writ of summons directed to the sheriff of Bucks, was elected the first knt. for that shire: but the return of his election being made, it was refused by the clerk of the crown, *quia utlagatus*: and because sir John Fortescue, upon a 2d writ, was elected, and entered in that place, his desire was, That this Return might be examined, and sir Fra. Goodwin received as a member of the house. The house gave way to the motion; and for a more deliberate and judicial proceeding in a case of Privilege so important to the house, Ordered, "That the serjeant (the proper officer of the house) should give warning to the clerk of the crown to appear at the bar at 8 o'clock the next morning, and to bring with him all the writs of summons, indentures, and returns of elections for the county of Bucks, made and returned for this parl.; and to give warning also

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to sir Fra. Goodwin, to attend in person, whom their pleasure was to hear, *ore tenus*, to deliver the state of his own cause, and the manner and reasons of the proceeding in the election of the knights of the shire for that county."

March 23. Sir George Coppin, clerk of the crown, appeared at the bar accordingly, and produced all the writs of sumunons, indentures, and returns made of the knights for Buckinghamshire for this parl.; which were severally read by the clerk of the house, and then the clerk of the crown was commanded to retire to the door: and after, sir Fra. Goodwin himself attending to know the pleasure of the house, was called in, to deliver the state of his own cause, *ore tenus*; wherein he was heard at large, and commanded again to retire until the house had determined what to do. In this mean time the whole Case was at large opened, and argued 'pro et contra,' by sundry learned and grave members of the house; and after much dispute, the Question was agreed upon and made:" 'Whether sir Fra. Goodwin were lawfully elected and returned one of the knights for Bucks, and ought to be admitted and received as a member of this house?' Upon this Question, it was resolved in the affirmative, 'That he was lawfully elected and returned, and, (*de jure*), ought to be received.' Hereupon the clerk of the crown was commanded to file the first indenture of return: and order was given, That sir Francis should presently take the oath of supremacy as usual, and his place in the house; which he did accordingly.

March 27. Sir Fra. Bacon, in reporting a conference with the Lords, touching wardship and other things, reported, That a lord touched the Case of sir Fra. Goodwin as a thing he had heard at large, but did not understand it; and therefore desired to know it more particularly from this house. To which answer was made, That they had no warrant from the house to speak of it.—Sir Edw. Coke, his maj.'s attorney-general, and mr. dr. Hone, bring a message from the Lords, expressing with what acceptation their lordships entertained their motion yesterday, not only for the matter, being of very great weight and consequence, but especially for the manner; namely, "That, touching wardship, they would not petition for ease in it as a matter of wrong, but of grief; and pray to be relieved by grace, and not by justice: and their lordships for answer were desirous, and moved at that time to couple in the same petition the matter of grievance, of respite of homage; which his maj. out of his gracious favour and love to his people, had himself taken knowledge of. And as they conceive it to be likely, that the conference may continue between the 2 houses, touching the said matters; as they are very zealous of the furtherance of their purpose, so are they jealous of any impediment that may breed lett or hindrance therein: therefore they desire, for a more clear proceeding and removing of all stumbling-blocks, that the former committees may, in a 2d conference to be had, have authority to treat touching the Case of sir Fra. Goodwin, the knt. for Buckinghamshire, first of all, before any other matter were farther proceeded in." The Answer to this message was, (as usual), "That they would return answer by messengers of their own."—Upon this message it was argued by some, "That in no sort they should give account to the Lords of their proceedings in the house; but that mr. Speaker should from the house be a suitor to his maj. to have access, and as their common mouth give his highness satisfaction by direction from the house: that now the judgment of sir Fra. Goodwin's Case having passed the house, it could not, nor ought not, to be reversed by them. A precedent, an. 27 Eliz. cited; where a bill brought down from the Lords, upon the 1st reading was rejected; the Lords sent messengers to demand a reason of their judgment: it was denied to yield any reason." This argument brought forth this question, which mr. Speaker was ordered by the house presently to make, viz. Whether they should confer with the Lords, touching the Case of sir Fra. Goodwin, the knt. for Buckinghamshire? and resolved, That they should not. It was then considered as fit to return some answer to the message from the Lords; and mr. sec. Herbert, with some other of the committees, were appointed to deliver to their lordships, from the house, "That they did conceive it did not stand in honour and order of the house, to give account of any their proceedings or doings: but if their lordships have any purpose to confer for the residue, that then they will be ready at such time and place, and with such number as their lordships shall think meet." Upon the last message to the lords, the messengers return, "That their lordships would presently send answer by messengers of their own."—Sir Edw. Coke, his maj.'s attorney-gen. dr. Carew, dr. Hone, and mr. Tyndall, delivered from the Lords, "That their lordships taking notice in particular of the return of the sheriff of Bucks; and acquainting his maj. with it, his highness conceived himself engaged and touched in honour that there might be some conference of it between the two houses; and to that end, signified his pleasure unto them, and by them to this house." Upon this Message, so extraordinary and unexpected, the house entered into some consideration what were fit to be done; and it was resolved, "That his maj. might be moved for access the next day. And afterwards they understood his pleasure to be, That they should attend at Whitehall at 8 the next morning. But because the time was then somewhat far spent, they ordered, That the house, with mr. Speaker, should meet at 6 the next morning in the house. Yet afore their rising, they thought fit to name a committee of 29 members, to set down the effect of that which mr. Speaker was to deliver from the

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house to the king, who were to meet at 4 that afternoon at the parliament-chamber in the Middle-Temple.—Accordingly,

March 28. Mr. Speaker, with a great number of the house, assembled at 6 in the morning, with a purpose to treat and resolve what should be delivered to his maj. (being appointed to attend him the same morning at 8) touching the reasons of their proceeding in sir Fra. Goodwin's Case: but because the house was not then thought full enough for a matter of that consequence, they proceeded to the reading of bills. Upon motion touching mr. Speaker's attendance on the king, a committee was named to accompany him, consisting of all the privy-council, being members of the house, and 67 more. Mr. Speaker, together with these committees, were this day, at 8 in the morning, appointed to attend his maj. and to relate the reasons of the proceeding of the house in sir Fra. Goodwin's Case; where, upon answer or reply, such lawyers as be of the committee are to give their assistance.

March 29th. Mr. Speaker related what he had delivered to the king by warrant from the house, touching their proceeding in sir Fras. Goodwin's case, and his maj.'s answer; whereof, because part was afterwards penned by select committees, read in the house, and offered in writing to the king, he had but touched the heads, omitting many circumstances. He said, he first delivered, 1, the Manner and Matter. 2, then such Precedents as had been vouched and stood upon. 3, he opened the body of the law for election. The first writ of summons, dated ult. Jan. before the parl.: the writ issued duly: the liberty was free, by that writ, to choose in 'pleno comitatu:' the election was made according to that writ, and the indenture duly returned; and therefore adjudged by the house, That this first election being good, the second was consequently void. For the matter of Utlawry against sir F. Goodwin, there was one prosecuted against him, at the suit of Johnson, 31 Eliz. for 60l. and was laid and proceeded in the Hustings, London. Another, at the suit of one Hacker, for 16l. 39 Eliz. That sir Francis had since been chosen, admitted, and served as a member of this house, in the several parliaments holden 39 and 43 Eliz. That the Utlawry remained in the Hustings, so as the law could not take notice of it; neither was it pleadable. 1 Eliz. one Smith was found utlawed, and priviledged by the house. 23 Eliz. one Vaughan utlawed, and, upon the question and division of the house, priviledged, being carried with the difference of 6 voices. 35 Eliz. 3 precedents vouched. 39 Hen. VI. [Here the accurate editor of the printed Journals makes this remark, "The words (39 H. 6.) seem to be improperly inserted here, and are, in the book of notes, placed before the citation of Smyth's case, 1 Eliz. and in the margin of the Journal itself against these words is written *Quære.*"] Fitz-Herbert: the case not judged, but opinions delivered. Mr. John Killegree, having 52 utlawries returned against him, was admitted to serve in the house. Sir Wm. Harecourt was found 18 times utlawed, and yet was admitted to serve. The manner of the Election is limited by the statute. The supposed utlawry, 31 Eliz. against sir Francis was no utlawry at all; for wheresoever a man is sued, the proclamation ought to go into the county where the party dwelleth, or else the utlawry is not good. 39 and 43 Eliz. The general pardon is good for utlawries, against all, saving the party at whose suit. 31 Eliz. It was Franciscus Goodwin, gen. 39 Eliz. Franciscus Goodwin, armig. The sheriff is no judge of the utlawry, neither could take notice it was the same man; and therefore could not properly return him utlawed.—That his maj. answered, "He was loth he should be forced to alter his tune; and that he should now change it into matter of grief, by way of contestation." He did sample it to the murmur and contradiction of the people of Israel. He did not attribute the cause of his grief to any purpose in the house to offend him, but only to a mistaking of the law. For matters of fact, he answered them all particularly, That for his part he was indifferent which of them was chosen, sir John or sir Francis; that they could suspect no special affection in him, because this was a counsellor not brought in by himself. That he had no purpose to impeach their priviledge; but since they derived all matters of priviledge from him, and by his grant, he expected they should not be turned against him. That there was no precedent did suit this case fully; precedents in the times of minors, of tyrants, of women, of simple kings, not to be credited, because for some private ends. By the law this house ought not to meddle with returns, being all made into the chancery, and are to be corrected or reformed by that court only, into which they are returned. An. 35 H. 6. It was the resolution of all the judges, that matter of utlawry was a sufficient cause of dismission of any member out of the house. That the judges have now resolved, That sir F. Goodwin standeth utlawed according to the laws of this land. In conclusion, it was his maj.'s special charge unto us, That, 1, the course already taken should be truly reported. 2, that we should debate the matter, and resolve amongst ourselves. 3, that we should admit of conference with the judges. 4, that we should make report of all the proceedings unto the council." This relation being made, the house did not enter into any further consideration of the matter at that time; but resolved and ordered, That it should be the first matter moved the next morning.

March 30th. It was moved and urged by a member, touching the difference now on foot between the king and the house, "that there is just fear of some great abuse in the late Election. That in his conscience the king hath been much misinformed; and that he had too many misinformers, which he prayed God

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might be removed or lessened in their number. That now the Case of sir John Fortescue and sir Fs. Goodwin was become the Case of the whole kingdom. That old lawyers forget, and commonly interpret the law according to the time; that by this course the free election of the country is taken away, and none shall be chosen but such as shall please the king and council. Let us therefore, with fortitude, understanding, and sincerity, seek to maintain our priviledge; which cannot be taken or construed any contempt in us, but merely a maintenance of our common right, which our ancestors have left us, and is just and fit for us to transfer to our posterity."

Another, for a law to be made, "That never any man outlawed should shew his face here again. The difference, he observed, was some unrespective carriage towards his maj. in this matter: and therefore let our proceeding be dutiful and careful towards him, in advising of some speedy course to give his maj. satisfaction; that is (as he conceived) according to the king's project, first, to advise amongst ourselves, and then to confer with the judges, not as parliament-men, but as counsellors; not as though they were to reverse our errors, but that we might be better informed; not now the case of sir John and sir Francis, but a case of great difference between the king and us, wherein we are deeply to consider the consequence if this pique be bruited in the country, abroad, or beyond the seas. It is fit we let the king see how much we take to heart this matter, sythence our affections have so much appeared in the passing and present expediting of the act of recognition, &c. *Concl.* That we should tender our humble petition to his maj. for leave to make a law for the banishing of all outlaws hereafter from the parl. and pray that we may hold all our priviledges entire."

A 3rd, "That we ought not to contest with the king; that it is fit to have a conference: that by it we shall lose no privilege, but rather gain; for the matters of the conference will be two, satisfaction of the king, and putting in certainty our privilege. All is not yet said that may be said; we are not to dispute with one that is governor of 30 legions. 'Confitendum est ne frustra interrogasset.' Let us deal plainly and freely with the lords, and let them know all the reasons. They are jealous of the honour of a privy-counsellor, we of the Freedom of Election. It is fit great men maintain their prerogative; so is it fit that we maintain our privileges. This is a Court of Record, therefore ought we by all means seek to preserve the honour and dignity of it. If a burgess be chosen for two places, the burgess makes his choice for which he will serve, and a warrant shall be directed from mr. Speaker, in the name of the house, to the clerk of the crown to send forth a writ for a new election for the other place left; which is a direct proof that it is a Court of Power and of Record. We have a clerk and a register; all matters that pass here are entered of record, and preserved. As they stand for the honour of a councellor, so we for our privileges. It is to be wished, that we had a law to declare our privileges, that we have a court of record and a register. *Obj.* We (they say) are but half of the body, and the Lords are the parts nearest the head. *Ans.* Nothing ascends to the head but by the breasts, &c. *Concl.* That we may pray it may be explained by a law what our privileges are; and that no man outlawed may hereafter be admitted. There must be a judge of the return before we sit; and this is now judged according to the positive laws of the realm by the king, which infringeth not our liberty, since we judge after the court is set, according to discretion. No precedent, That any man was put out of the house for utlawry; therefore it had been fit we should have desired to inform the king that he was misinformed. Let us now leave this particular Case to the king, and consider and resolve of the material questions that will fall out in the debate of it. 1. Whether this court hath power to take notice of returns made before we sit here? 2. Whether men utlawed may be of the house? 3. Whether a man pardoned, having not sued forth a writ of scire facias, may be called in question? 4. Whether the writ were returned the 17th of Feb. or no, upon oath of the sheriff?"

Some others were strong in opinion, That we ought not to confer nor to commit, saying, That majesty had conferred with justice; yet majesty had left the stopping of the wound to us. We should taint ourselves with 3 great blemishes, if we should alter our judgment, levity, cruelty and cowardice. There be 3 degrees of upright judgment, motion, examination, judgment: all these have passed us. No court can reform their own judgment. Every day a term here. Every act that passeth this house is an act of parl. Shall justice float up and down? Shall he be a member to-day and shall we tear him off to-morrow? If the member be sound it is violence: If the hand tear the rest it is cruelty. No part torn, but it may bleed to the ruin of the whole.—Let sir F. Goodwin stand as he is: duty and courage may stand to gether; let not the house be inveigled by suggestions. This may be called a 'quo warranto' to seize our liberties. There hath been 3 main objections.

1. The King's Exception. We could shew no precedent in this kind. *Answ.* The king could shew no such writ before. Our hands were never sought to be closed before, nor we prevented. It opens a gap to thrust us all into the petty-bag. A chancellor may call a parl. of what persons he will by this course. Any suggestion, by any person, may be cause of sending a new writ.

2. Objection by the Lord Chief Justice. By the law we had nothing to do to examine returns. *Answ.* Judges cannot take notice of private customs or privileges: but we have a privilege which stands with the law. The judges informed the king of the law, but not of

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the case of privilege. It is true, 35 H. VI. all the judges resolved, that no outlawed man ought to be admited; but that was controlled by parl. It is the same opinion now; let us controli it as then; we have done no offence to the state: let us therefore be constant in our own judgment.

3. Objec. ***** Another; The King's pleasure, that we should deliver the reasons of that we have done to be just. If we clear our contempt, we have discharged ourselves. The king's-bench cannot reverse their judgment the same term; therefore not the parl. Let us send a message to the Lords, that we are ready so to do, as we do not undo this house.

Others; 'Non coronabitur qui non legitime certaverit.' Not to be termed a difference between his maj. and the commons. 'Rogamus auguste, non pugnamus.' The question is not of matter of privilege, but of judgment. Let us attend them as lords of the council, and not as of parl. We do no ways contest or contend with his maj. The king is no way bound in honour. If writs go forth unduly, they may be controlled without impeachment to the king's honour. It is the act of his inferior officers. It is now come to this question, Whether the chancery or parl. ought to have authority? *Quest.* Whether we ought to satisfy the king in his commandment? The king's message was, That we should consider within ourselves, and resolve of ourselves; then no need to confer with the judges: if we cannot, then it is fit to be resolved by the judges. The judges have judged, and we have judged; what need then of conference? Let there be no spark of that grace taken from us, which we have had already from his maj. Let our reasons be put into articles, and delivered in all humbleness unto him.

Upon the conclusion of this debate in this manner, the house proceeded to question; and the first was, 1. Q. Whether the house was resolved in the matter? And the question was answered by general voice, That the whole house was resolved. 2. Q. Whether the reasons of their proceeding shall be set down in writing? And it was resolved, That they shall, and ordered further, That a committee should be named for that purpose, and appointed first to set them down in writing, and to bring them to the house, there to be published, and to receive their allowance.—A committee was instantly named, consisting of mr. Recorder of London, mr. Sollicitor, mr. Attorney of the Wards, all the serjeants at law, and 37 members more, to meet this afternoon, at 2, in the exchequer chamber. The authority given unto them by the house, was this: "The house being resolved, upon the question, That the reasons of their precedent resolution, touching the return, admittance and retaining of sir F. Goodwin as a member of this house, should be set down in writing; these committees were specially appointed to perform that service, and have warrant from the house to send for any officer, to view and search any record, or other thing of that kind, which may help their knowledge or memory in this particular service: and having deliberately by general consent set down all such reasons, they are to bring them in writing into the house, there to be read and approved, as shall be thought fit.

April 2. It was moved, That committees might be named to take the examination of the sheriff of Buckinghamshire, who was by former order sent for, and now come. And a committee were named and appointed to take his examination presently.—Sir Charles Cornwallis moved in excuse of sir Fras. Goodwin's absence from the house, and prayeth, That they would as well in their own judgment pardon it, as witness and affirm his care and modesty, upon all occasions, to the king, in that he hath forborn, during all the time of this question, to come into the house.

The Examination of the Sheriff having been presently taken by the committees, was returned in this form.—"*Interr.* 1. Why he removed the county from Aylesbury to Brickhill? He saith, it was by reason of the plague being at Aylesbury, the county being the 25th of Jan. at which time three were dead of the plague there. This was the only motive of removing his county.—*Interr.* 2. Whether he were present at the first Election? He was present, and was as faithful to wish this second place to sir Frans. Goodwin, as the first to sir John Fortescue: sent sir F. Goodwin word, before the election, he should not need to bring any freeholders, for the election he thought would be without scruple for them both; first to sir John, second to sir Francis. About 8 o'clock he came to Brickhill; was then told by sir George Throckmorton, and others, that the first voice would be given for sir Francis; he answered, He hoped it would not be so, and desired every gent. to deal with his freeholders. After 8 went to the election, a great number there being children, never at the county. After the writ read, he first intimated the points of the proclamation; then jointly propounded sir John Fortescue and sir F. Goodwin. The freeholders cried first, 'A Goodwin! a Goodwin!' Every justice of peace on the bench said, 'A Fortescue! a Fortescue!' and came down from the bench before they named any for a second place, and desired the freeholders to name sir John Fortescue for the first. Sir F. Goodwin being in a chamber near, was sent for by the sheriff and justices; and he came down and earnestly perswaded with the freeholders, saying, 'sir John was his good friend, had been his father's, and that they would not do sir John that injury: notwithstanding the freeholders would not desist, but all cried, 'A Goodwin! a Goodwin!' some crying, 'A Fortescue!' to the number of 60 or thereabouts, the other for sir F. Goodwin, being about 200 or 300; and sir Francis, to his thinking, dealt very plainly and earnestly in this matter for sir John Fortescue; for that sir Francis did so earnestly protest it unto him.—*Interr.* 3. Who laboured him to make

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the return so long before the day of the parl.? He being here in London, mr. attorney general, the 2d of March, at his chamber in the Inner Temple, delivered him two *cap. utlagat.* against sir Francis Goodwin; and before he made his return, he went and advised with mr. attorney about his return, who penned it, and so it was done by his direction: and the return being written, upon Friday after the king's coming through London, near about my lord chancellor's gate, in the presence of sir John Fortescue, he delivered the writ to sir George Coppin: and at this time (it being about 4 in the afternoon) and before they parted, sir John Fortescue delivered him the second writ sealed; sir John Fortescue, sir George Coppin, and himself, being not above an hour together at that time, and never had but this new writ of parl. to him delivered.—Subscribed, Francis Cheyne."—This was returned by the Committee to the hands of the clerk, but not at all read in the house.

Mr. Speaker remembereth the matter of conference with the judges, and offereth to repeat and put again the Questions that were formerly made; being before uncertainly and unperfectly left (as he said) in the case of Buckinghamshire, viz. 1. Whether the house were resolved in the matter? 2. Whether they should confer with the judges? And at length induced the house to entertain the latter question; and, being made, was carried by general voice in the negative, 'No conference.'—Upon this passage, it was urged for a rule, That a Question being once made, and carried in the affirmative or negative, cannot be questioned again; but must stand as a judgment of the house.—It was thought fit that mr. Speaker should attend the committee for penning the reasons in sir Francis Goodwin's Case, not by commandment, but voluntary of himself.

April 3. The Reasons of the Proceeding of the House in sir Francis Goodwin's Case, penned by the committee, were, according to former order, brought in by mr. Francis Moore, and read by the clerk, directed in form of a Petition:—

"To the King's most excellent Majesty. The humble Answer of the Commons House of Parliament to his Majesty's Objections in sir Francis Goodwin's Case."

"Most gracious, our dear and dread sovereign, relation being made to us by our Speaker, of your maj.'s royal clemency and patience in hearing us, and of your princely prudence in discerning; shewing affectionate desire rather to receive satisfaction to clear us, than cause to pardon us: we do in all humbleness render our most bounden thanks for the same: protesting, by the bond of our allegiance, That we never had thought to offend your maj.; at whose feet we shall ever lie prostrate, with loyal hearts, to sacrifice ourselves and all we have for your maj.'s service: and in this particular, we could find no quiet in our minds, that would suffer us to entertain other thoughts, until we had addressed our answer to your most excellent maj.; for which, nevertheless, we have presumed of the longer time, in respect we have prepared some precedents, requiring search, to yield your maj. better satisfaction:"—There were objected against us by your maj. and your rev. judges, 4 things, to impeach our proceedings, in receiving Francis Goodwin, knt. into our house.

*Objection* 1. The first, That we assume to ourselves power of examining of the elections and returns of knights and burgesses which belongeth to your maj.'s Chancery, and not to us: for that all returns of writs were examinable in the courts wherein they are returnable; and the parliament writs being returnable into the chancery, the returns of them must needs be there examined and not with us.

Our humble Answer is, That, until the 7th of Hen. IV. all parliament writs were returnable into the parl.; as appeareth by many precedents of record ready to be shewed, and consequently the returns there examinable: in which year a statute was made, That thenceforth every parliament writ, containing the day and place where the parl. shall be holden, should have this clause, viz. "Et Electionem tuam in pleno comitatu factam distincte & aperte sub sigillo tuo & sigillis eorum, qui electioni illi interfuerint, nobis in Cancellariam nostram ad diem & locum in brevi content' certifices indilate."—By this, although the form of the writ be somewhat altered, yet the power of the parl. to examine and determine of elections, remaineth; for so the statute hath been always expounded ever sithence, by use to this day: and for that purpose, both the clerk of the crown hath always used to [attend] all the parliament time, upon the Commons House, with the writs and returns; and also the Commons in the beginning of every parl. have ever used to appoint special committees, all the parliament time, for examining controversies concerning elections and returns of knights and burgesses: during which time, the writs and indentures remain with the clerk of the crown; and after the parl. ended, and not before, are delivered to the clerk of the Petty-Bag in Chancery, to be kept there; which is warranted by Reason and Precedents: reason; for that it is fit that the returns should be in that place examined, where the appearance and service of the writ is appointed. The appearance and service is in parl. therefore the return examinable in parl.—Precedents: one in the 29th Eliz. where, after one writ awarded into Norfolk for the choice of knights, and election made and returned, a second was, before the parliament-day, awarded by the lord chancellor, and thereupon another election and return made; and the Commons being attended with both writs and returns by the clerk of the crown, examined the cause, allowed the first, and rejected the second. So 23 Eliz. a burgess was returned dead, and a new chosen, and returned by a new writ: the party returned dead appeared; the Commons, not-

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withstanding the sheriff's return, admitted the first chosen, and rejected the second. Also, the said 23d year, a burgess chosen for Hull was returned lunatic, and a new chosen upon a second writ: the first claimed his place; the Commons examined the cause, and finding the return of lunacy to be true, they refused him; but if it had been false, they would have received him.—43 Eliz. the sheriff of Rutlandshire returned himself elected; the Commons finding that he was not eligible by law, sent a warrant to the Chancery for a new writ to chuse anew.—43 Eliz. also a burgess was chosen burgess for two boroughs; the Commons, after he had made election on which he would serve for, sent warrant to the Chancery for a writ to chuse a new for the other borough: of which kind of precedents there are many other, wherewith we spare to trouble your maj. All which together, viz. use, reason and precedents, do concur to prove the Chancery to be a place appointed to receive the returns, as to keep them for the parl. but not to judge of them; and the inconvenience might be great, if the Chancery might, upon suggestions or sheriffs returns, send writs for new elections, and those not subject to examination in parl.: for so, when fit men were chosen by the counties and boroughs, the lord chancellor, or the sheriffs, might displace them, and send out new writs, until some were chosen to their liking; a thing dangerous in precedents for the time to come, howsoever we rest securely from it at this present by the now lord chancellor's integrity.

*Object.* 2. That we dealt in the cause with too much precipitation, not seemly for a council of gravity, and without respect to your most excellent maj. our sovereign, who had directed the writ to be made; and being but half a body, and no Court of Record alone, refused Conference with the Lords, the other half, notwithstanding they prayed it of us.

Our humble Answer is, to the Precipitation, That we entered into this cause, as in other parls. of like cases hath been accustomed; calling to us the clerk of the crown, and viewing both the writs, and both the returns; which in cases of *** and motions, though not of bills (requiring 3 readings), hath been warrant by continual usage amongst us: and thereupon, well finding that the latter writ was awarded and sealed before the Chancery was repossessed of the former, which the clerk of the crown, and the sheriff of the county, did both testify, and well held to be a clear fault in law, proceeded to sentence with the less respect of the latter election. For our lack of respect to your maj. we confess, with grief of our hearts, we are right sorry it shall be so conceived; protesting, That it was no way made known unto us before that time, that your maj. had taken to yourself any special notice, or directed any course in that cause, other than the ordinary awarding writs by your highness's officers in that behalf: but if we had known as much (as some will have) by your maj.'s royal mouth, we would not, without your maj.'s privity, have proceeded in that manner. And further, it may please your maj. to give us leave to inform you, That in the Examination of the Cause, the sheriff avouched unto us, That Goodwin agreed to yield the first place of the two knights to sir John Fortescue, and in his own person, at the time of election, with extraordinary earnestness, entreated the electors it might so be, and caused the indentures to be made up to that purpose: but the electors utterly refused to seal them. Concerning our refusing Conference with the Lords, there was none desired until after our sentence passed; and then we thought, That in a matter private to our own house, which, by rules of order, might not be by us revoked, we might, without any imputation, refuse to confer. Yet, understanding by their lordships, that your maj. had been informed against us, we made haste (as in all duty we were bound) to lay open to your maj. our good and gracious sovereign, the whole manner of our proceeding; not doubting, though we were but part of a body, as to make new laws, yet for any matter of priviledges of our house, we are, and ever have been, a court of ourselves, of sufficient power to discern and determine without their lordships, as their lordships have used always to do for theirs without us.

*Object.* 3. That we have, by our sentence of receiving Goodwin, admitted that Outlaws may be Makers of Laws; which is contrary to all Laws.

Our humble Answer is, that notwithstanding the precedents which we truly delivered, of admitting and retaining outlaws in personal actions in the Commons House, and none remitted for that cause; yet we received so great satisfaction, delivered from your royal maj.'s own mouth, with such excellent strength and light of reason, more than before, in that point, we heard or did conceive, as we forthwith prepared an act to pass our house, That all outlaws henceforth shall stand disabled to serve in parl.; but as concerning Goodwin's particular, it could not appear unto us, having thoroughly examined all acts of the proceedings against him, That he stood an outlaw, by the laws of England, at the time of the election made of him by the county; and that for two causes: the 1st is, that where the party outlawed ought to be 5 times proclaimed to appear in the sheriff's county court; and then not appearing, ought to be adjudged outlawed by the judgment of the coroners of the county; there appeareth no record made in the Hustings of London, that Goodwin was five times proclaimed, or that the coroners gave judgment of outlawry against him: but a clerk lately come to that office hath now, many years after the time, and since this election, made entries, interlined with a new hand, that he was outlawed; to which new entries we could give no credit, for that the parties, at



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whose suit Goodwin was sued, have testified in their writings of release, That they never proceeded further than to take out the writ of Exigent for an outlawry; and being then paid their money, desisted there; by which we find, that Goodwin was not 5 times proclaimed, nor adjudged outlawed, being a thing usual in London to spare that proclamation and judgment, if the party call not upon it; and no record being made for made years together that either of them was done. The 2nd cause was, for that the writ of Exigent, by which the sheriff was commanded to proclaim him 5 times, was never lawfully returned, nor certified by certiorari; without which we take it that Goodwin stood not disabled as an outlaw. —To this, adding the two general pardons by parl. which had cleared the outlawry in truth and substance (if any were;) and that Goodwin could not apply the pardons by scire facias, for that no record nor return was extant of the outlawry, whereupon he might ground a scire facias, we were of opinion, and so your maj.'s most rev. judges would have been, if they had known thus much, That Goodwin stood not disabled by outlawry to be elected or serve in parl.; but when we consider further, That the course taken against Goodwin for drawing him into this outlawry, of purpose to disable him to serve in this place, whereto the county had freely elected him, was unusual; we could not, with the reputation of our places, serving as a council of gravity, in allowance or continuance of that course, censure him to be rejected as an outlaw: the particulars of which were these, viz.—Two exigents awarded; * * * the other 7 years past to the Hustings in London: no entry made of 5 proclamations; nor of any judgment of the coroners; nor any return of the exigents made or endorsed; the party plaintiff satisfied, the pretended outlawries being but upon meane process; and as to your maj.'s duties and contempts pardoned now since Goodwin was elected knight, the exigent now sought out since the election procured to be returned in the name of the sheriffs that then were, and are long since dead, and new entry made of the 5 proclamations and coroner's judgment; and now a return made of that old exigent, which could be of no use, but only for a purpose to disable him for that place. Upon all which we could do no less, in true discretion, than certify the election made *secundum æquum et bonum.*

*Object.* 4. That we proceeded to examine the truth of the fact of Outlawry, and gave our Sentence upon that; whereas we ought to have been bound by the Sheriff's Return of the Outlawry from further examining, Whether the party were outlawed or not?

Our humble Answer is, That the precedents cited before, in our answer to the first Objection, do prove the use of the Commons House to examine *veritatem facti*, in Elections and Returns, and have not been tied peremptorily to allow the return; as, if a knight or burgess be untruly returned dead, or lunatic, yet when he appeareth to the house to be living and sound, they have, contrary to the return, received him into the house, preferring the truth manifest before the return. By which discreet proceeding there is avoided that great inconvenience abovementioned, of giving liberty to sheriffs, by untrue returns, to make and remove whom they list, to and from the parliament service, how meet soever the parties be in the judgment of the county or borough that elected them.—Thus, in all humility, we have presented to your most excellent maj. the grounds and reasons of our late action, led with no affections, but guided by truth, warranted in our consciences, imitating precedents, maintaining our ancient priviledges, honouring your excellent maj. in all your services; to which in all loyalty and devotion we bind us and ours for ever, praying daily, on the knees of our hearts, to the majesty of the Almighty, that your maj. and your posterity may in all felicity reign over us and ours to the end of the world."

These reasons set down and published to the House, mr. secretary Herbert was sent with message to the Lords, that the house had resolved of their Answer to his maj. in sir Fs. Goodwin's Case, and had set it down in writing, and that it should be sent to their lordships before 4 in the afternoon; who immediately returned their lordships' answer, That they would be ready at that time in the Council Chamber at Whitehall, with 30 of the lords, to receive what then should be delivered. Then were named threescore to attend the delivery of the said reasons at the time and place aforesaid.—The same day, in the afternoon, the house entering seriously into consultation what course was to be held with the Lords; as also falling into more length of disputation, touching the bill of Merchants, than were expected, sent 5 members as messengers to the Lords, to excuse their long tarrying. And about 5 o'clock, the committee appointed did attend to deliver the Reasons aforesaid, at the Council Chamber, according to appointment and order of both houses; and they were delivered by sir Francis Bacon, one of the committees, with desire, That their lordships would be mediators in behalf of the house, for his maj.'s satisfaction.

April 4. Sir Francis Bacon having the day before delivered to the Lords, in the Council-Chamber at Whitehall, according to the direction of the house, the Reasons in writing, penned by the committee, touching sir Francis Goodwin's case, made Report of what passed at the time of the said delivery: first, that though the committees employed were a number specially deputed and selected; yet that the lords admitted all burgesses without distinction; that they offered it with testimony of their own speed and care in the business, so as they said no one thing had precedency, but only the bill of recognition; that they had such respect to the weight of it, as they had

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not committed it to any frailty of memory or verbal relation, but put it into writing for more permanent memory of their duty and respect to his maj.'s grace and favour: That in conclusion they prayed their Lordships, sithence they had nearer access, they would co-operate with them for the king's satisfaction; and so delivered the writing to the hands of the lord chancellor, who, receiving it, demanded, Whether they should send it to the king, or first peruse it? To which was answered, That since it was the king's pleasure they should concur, they desired their lordships would first peruse it. The lord Cecil demanded, Whether they had warrant to amplify, explain, or debate any doubt or question made upon the reading? To which it was said, They had no warrant. And so the writing was read, and no more done at that time.

April 5. Mr. Speaker, by a private commandment, attended the king this morning at 8, and there staid till 10. Mr. Speaker excused his absence, by reason he was commanded to attend his maj.; and brought message from his maj. to this effect. "That the king had received a parchment from the house. Whether it were an absolute resolution, or reason to give him satisfaction, he knew not: he thought it was rather intended for his satisfaction. His maj. protested, by that love he bare to the house as his loving and loyal subjects, and by the faith he did ever owe to God, he had as great a desire to maintain their privileges, as ever any prince had, or as themselves. He had seen and considered of the manner and the matter: he had heard his Judges and his Council; and that he was now distracted in judgment. Therefore, for his further satisfaction, he desired, and commanded, as an absolute king, that there might be a conference between the house and the judges; and that for that purpose there might be a select committee of grave and learned persons out of the house: That his Council might be present, not as umpires to determine, but to report indifferently on both sides." Upon this unexpected message there grew some amazement and silence. But at last one stood up and said, The prince's command is like a thunder-bolt; his command upon our allegiance like the roaring of a lion. To his command there is no contradiction; but how, or in what manner we should now proceed to perform obedience, that will be the question. Another answered, Let us petition to his maj. that he will be pleased to be present, to hear, moderate, and judge the Case himself. Whereupon mr. Speaker proceeded to this question. Q. Whether to confer with the Judges in the presence of the king and council? Which was resolved in the affirmative. And a select committee presently named for the conference, consisting of 21 lawyers, and 16 other members. These committees were selected and appointed to confer with the Judges of the law, touching the reasons of proceeding in sir Fra. Goodwin's Case set down in writing, and delivered to his maj. in the presence of the lords of his maj.'s council, according to his highness's pleasure signified by mr. Speaker this day to the house. It was further resolved and ordered by the house, upon the motion to that end by mr. Laurence Hyde, That the aforesaid committees should insist upon the fortification, and explaining of the Reasons and Answers delivered unto his maj.; and not proceed to any other argument or answer, what occasion soever moved in the time of that debate.

April 11. The House being met according to adjournment, sir Fra. Bacon was expected, and called, to make a Report of the late conference with the judges in the presence of his maj. and the lords of the council: but he made excuse, saying, he was not warranted to make any report; and 'tantum permissum, quantum commissum:' nevertheless, upon a question, he was over-ruled to make a Report; and a motion thereupon made, That the committees might first assemble in the Court of Wards, and confer amongst themselves, and then the Report to be made.

Sir *Fra. Bacon*, after the meeting of the committees in the Court of Wards, reported what had passed in conference in the presence of his maj. and his council. "The king said, he would be president himself. This attendance renewed the remembrance of the last, when we departed with such admiration. It was the voice of God in man: the good spirit of God in the mouth of man. I do not say, the voice of God, and not of man. I am not one of Herod's flatterers. A curse fell upon him that said it. A curse on him that suffered it. We might say as was said to Solomon, We are glad, O king, that we give account to you, because you discern what is spoken. We let pass no moment of time, until we had resolved and set down an Answer in writing, which we now had ready. That sithence we received a message from his maj. by mr. Speaker, of two parts. 1. The one paternal, 2. The other royal. 1. That we were as dear unto him as the safety of his person, or the preservation of his posterity. 2. Royal; that we should confer with his judges, and that in the presence of himself and his council. That we did more now to king James than ever was done since the Conquest, in giving account of our judgments. That we had no intent in all our proceedings, to encounter his maj. or to impeach his honour or prerogative. This was spoken by way of preamble by him you employed. How to report his maj.'s speeches he knew [not] the eloquence of a king was unimitable. The king addressed himself to him as deputed by the House, and said he would make 3 parts of what he had to say. The cause of the meeting was to draw to an end the difference in sir Fra. Goodwin's Case. If they required his absence, he was ready; because he feared he might be thought interested, and so breed an inequality on their part. He said, That he would not hold his prerogative

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or honour, or receive any thing of any or all his subjects. This was his magnanimity. That he would confirm and ratify all just privileges. This his bounty and amity. As a king royally: as king James, sweetly and kindly out of his good nature." One point was, Whether we were a Court of Record, and had power to judge of returns. As our court had power, so had the Chancery; and that the court that first had passed their judgment should not be controuled. Upon a surmise, and upon the sheriffs return, there grew a difference. That there be two powers. One permanent: the other, transitory. That the Chancery was a confidenciary court to the use of the parl. during the time. Whatsoever the sheriff inserts beyond the authority of his mandate, a nugation. The parliaments of England not to be bound by a sheriff's return. That our privileges were not in question. That it was private jealousies without any kernel or substance. He granted it was a Court of Record, and a judge of returns. He moved, That neither sir John Fortescue, nor sir Fra. Goodwin might have place. Sir John losing place, his maj. did meet us half way. That when there did arise a schism in the church between a pope and an anti-pope, there could be no end of the difference until they were both put down."

Upon this Report a motion was made, "That it might be done by way of warrant; and therein to be inserted, That it was done at the request of the king: and was further said, (as anciently it hath been said) that we lose more at a parl. than we gain at a battle. That the authority of the committee was only to fortify what was agreed on by the house for answer, and that they had no authority to consent." It was further moved, by another, "That we should proceed to take away our dissention, and to preserve our liberties; and said, "That in this we had exceeded our commission; and that we had drawn upon us a note of inconstancy and levity." But the acclamation of the house, was, That it was a testimony of our duty, and no levity. So as the Question was presently made: Whether sir John Fortescue and sir Fra. Goodwin shall both be secluded, and a warrant for a new writ directed. And upon the question, resolved, That a writ should issue for a new choice, and a warrant directed accordingly. A motion made, That thanks should be presented by mr. Speaker to his maj. for his presence and direction in this matter; and thereupon ordered, That his maj.'s pleasure should be known by sir Roger Aston for their attendance accordingly.

Because it had been conceived by some, that sir Fra. Goodwin being the member specially interested, it were fit he should give testimony of his liking and obedience in this course; being dealt withal to that end, he writ his letter to mr. Speaker; which, before this Question made, for better satisfaction of the house, was read in these words: "Sir, I am heartily sorry to have been the least occasion either of question between his maj. and that hon. house, or of interruption to those worthy and weighty causes, which by this time, in all likelihood, had been in very good furtherance: wherefore understanding very credibly, that it pleased his maj. when the committees last attended him, to take course with them for a 3d writ and election for the knightship of the county of Buckingham; I am so far from giving any impediment thereunto, that contrarywise, I humbly desire his maj.'s direction in that behalf to be accomplished and performed. So praying you, according to such opportunity as will be ministered, to give furtherance thereunto, I take my leave, and rest yours, most assured to be commanded, Fra. Goodwin. West. this 11th of April, 1604." Directed to the right worshipful sir Edw. Phelips, knt. speaker of the honourable court of Parliament.

April 12. A motion was made, That mr. Speaker, in behalf of the house, should pray access to his maj. and present their humble thanks for his gracious presence and direction, upon the hearing of sir Fra. Goodwin's Cause; which was assented unto: and sir Roger Aston was presently appointed to know his maj.'s pleasure; which he did accordingly; and returned, That his maj. was willing to give them access in the Gallery at Whitehall, at 2 in the afternoon, the same day. Thereupon a committee was named to attend mr. Speaker to the king, with a general warrant to all others that should be pleased to accompany them. The committee, specially named, were, all the privy council of the house, and 38 members more.

April 13. Mr. Speaker returned to the house the effect of his Message of Thanks, delivered in the name of the house to the king; as also of his maj.'s answer, viz. "That he related to his highness the humble and dutiful acceptation of what his maj. had done, together with the humble thanks of the house for his zealous and paternal delivery of his grace unto us, by his own mouth: what wonder they conceived in his judgment, what joy in his grace, what comfort they had in his justice, what approbation they made of his prudence, and what obedience they yielded to his power and pleasure. That his direction gave all men satisfaction. That they were determined to pursue the course he had prescribed. That now they were become suitors, he would be pleased to receive a representation of the humble thanks and service of the house." His maj. answered, "That upon this 2d access, he was forced to reiterate what he had said before. That this Question was unhappily cast upon him, for he carried as great a respect to our privileges as ever any prince did; he was no ground-searcher; he was of the mind that our privileges was his strength: that he thought the ground of our proceeding, was our not understanding that he had interneddled before we had decided; that he thought also

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we had no wilful purpose to derogate any *thing* from him, for our answer was a grave, dutiful, and obedient answer. But as the devil had unhappily cast this question between them, so he saw God had turned it to two good ends and purposes. 1. One, that he knew and had approved our loyalty. 2. Another, that he had so good an occasion to make testimony of his bounty and grace. That as we came to give him thanks, so did he redouble his thanks to us. That he had rather be a king of such subjects, than to be a king of many kingdoms." The 2d part of his speech directed to the lords and us. "That this parl. was not like to be long. That we would treat of such matters, as most concerned the commonwealth; and the last, of any thing that concerned himself. Three main businesses in our hands: 1. The union. 2. Sundry public and commonwealth-bills. 3. Matter of Religion, and Reformation of ecclesiastical discipline. For the Union, that it might be now prepared, and prosecuted the next session. That Union, which with the loss of much blood could never be brought to pass, as now it is. That the better to bring it to pass, we should be in affections united. That we should first with all care proceed in such laws as might concern the general good. That all heresies and schisms might be rooted out, and care taken to plant and settle God's true religion and discipline in the Church. That his wish above all things, was at his death to leave, 1. One worship to God. One kingdom entirely governed. One uniformity in laws. Lastly, that his occasions were infinite, and much beyond those of his predecessors; and therefore that in this 1st parl. we would not take from him that which we had yielded to others. That in his affections he was no way inferior to others, nor in his desire to ease us."

Then the warrant for a new Election of a knight for Bucks, was read and allowed in this form: "Whereas the right hon. sir John Fortescue, knt. chanc. of his maj.'s duchy of Lancaster, and sir Fra. Goodwin, knt. have been severally elected and returned knights of the shire for the county of Bucks, to serve in this present parl.: upon deliberate consultation, and for some special causes moving the Commons house of parl.: it is this day ordered and required by the said house, that a writ be forthwith awarded for a new Election of another knight for the said shire: and this shall be your warrant."* Directed, "To my very loving friend, sir Geo. Coppin, knt. clerk of the crown in his maj.'s high court of Chancery."—Having thus given the whole of this important case, we shall now go on with the proceedings of the Lords in this parl.

*Act against Witchcraft.*] April 2. A bill was brought into that house, entitled, "An act concerning Conjuration, Witchcraft, and Dealing with evil Spirits. On the 2d reading, the bill was referred to a large committee, in which were included 12 bps. This bill passed into a law; and by it was enacted, "That if any persons shall use, practise, or exercise any invocation or conjuration of any wicked or evil spirit; or shall consult, covenant with, entertain, employ, or feed, any such spirit, &c. the first offence to be imprisonment for a year, and standing in the pillory once a quarter; the next to be death."

*A Conference proposed, relating to an Union between England and Scotland.*]—April 14, the Lord Chancellor made a motion, That as in the king's speech, both in the beginning of the parl. and since upon resort of divers lords and commons to him at court, his maj. had recommended it to them to proceed in such matters, in this his first parl. as are of greatest importance to the state; and especially in that particular of an Union between the kingdoms of England and Scotland. He moved that some Proposition might be made to the lower house for a Conference about this affair. This proposal was agreed to by both houses, and a large committee of Lords were appointed, who were to meet the committee of the Commons that afternoon. What was done at this first Conference is not entered in the Journals; but we are told, that on the 16th, a message was sent to the Lords, and delivered by mr. Secretary Herbert and others of the commons, "That the committee of that house had reported to the rest the Proposition made to them by the Lords, as from his maj. about the affair of an Union. That the whole house, judging this matter to be a cause of very great importance and consequence; it ought to be proceeded in with great caution and deliberation. They therefore thought it necessary not to proceed in the Conference, till every man of their house had considered of and delivered his opinion about it. And they had appointed a day to enter upon that debate, till which time they desired their lordships to hold them excused for farther Conference."

April 21. The lord Cecil produced a paper, containing a Draught, or Form, devised by the king himself, for the accomplishment of this great work. The paper was read to the house, but not offered as a bill, only as a short draught or memorial, on which a bill might be afterwards agreed on. We are not told what the substance of this proposal from the king was; nor do we meet with any more about this matter in the Lords' Journals till the 30th. At which time the Lords sent to desire another Conference with the lower house, and promised them that they would inform themselves, by the opinion of the Judges, concerning the name and appellation of GREAT BRITAIN, and acquaint their committees therewith: that afternoon being appointed by both houses for the Conference, in the outward

* Notwithstanding sir Fra. Goodwin was thus removed out of the house; he was soon after elected for the town of Buckingham, on the decease of sir Edw. Terrel, knt. Willis's Notit. Parl.

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chamber of the Parliament's presence, the Lords began again to deliberate on what points were necessary to propose at the meeting. When the lord chancellor started the following particulars, which were agreed to by the whole house. 1. "To acquaint the Commons that the judges had given it as their opinions, that the name cannot be altered now, without prejudice to the state. Therefore, *rebus sic stantibus*, that point was at an end. 2. That the Lords did desire to have mutual Conference with them, on the other point; which was, concerning the commission, according to his maj.'s proposal. 3. To be moved unto them for the nomination of commissioners this parl. to treat of those matters. 4. The same committees of both houses may be selected and appointed for the framing of a bill touching this great affair."

There is no account in the Lords' Journals relating to any further proceedings about this matter, except that a bill was brought in, and passed into a law, for appointing English commissioners to treat with a select number of Scotch on this grand concern between the two nations. But the Journals of the Commons are much more copious; in which house the affair was argued, for several days together. The clerks have taken hints of the arguments on both sides, for and against this Union, which are entered in the proceedings of that house. Several of these are so short as not to be understood; and the whole dispute, since it ended in little or nothing, is too prolix and tedious for our purpose. We shall content ourselves with giving the King's own System for the Union, not inserted in the Lords' Journals; and a Copy of the king's Original Letter to this house, on this affair, in its own peculiar orthography: which shews that he spelt his English according to the Scotch pronunciation of it at that time.

"THE KING'S PROPOSALS FOR AN UNION.

"This Proposition which now I make concerning the Union, so far as now I craved to be assented unto at this parl. is no further but a particular explanation of a part of my speech I used to the whole parl. about the matter of the Union; which being twice repeated by me in the parliament-house, and then after printed, and publicly set out to the view of all the world, was (as I am informed) so well accepted and applauded by all, as I made the less doubt to make this particular proposition in * * own time hereafter. The substance of the thing, which now I crave to be done, consisteth only in two points: 1. That by a bill, or act, framed in this parl. it may be infused in all the people's hearts, that, as it is already set down in the recognition of [my] just possession of the crowns of both the famous, ancient, and honourable nations of England and Scotland, dwelling within [one] isle, and only compassed by the ocean, are now, by the great blessing of God, and to the perpetual weal of both the nations, [united] under one allegiance, and loyal subjection, in me and in my person, to my person and my posterity for ever: and that thereby, that which accreaseth to me and mine, and to the weal and strength of the subjects of both countries, may be rightly conceived, and [clearly] understood, by all men. The 2nd point is, That although it be not my meaning, neither at [this] time, nor never hereafter, to alter or innovate the fundamental laws, priviledges, and good customs of this kingdom, whereby only the king's princely authority is conserved, and the people's (both in general and particular) security of their lands, living, and priviledges, is maintained unto them: yet, that it is fit and convenient, for the nourishing and increasing of the mutual use among [the] members, and two halfs, as it were, of the body, that all sorts, particular, temporal, or indifferent, manners, or statutes and [customs] may be agreed upon, and welled in one, as they are all one body, under [one] head: and therefore, that commissioners may be appointed by the parl. authorized to confer and consult with such Scottish commissioners, as shall be selected to meet with them, for the making of the frame to this effect, to be propounded to the next two parliaments of England and Scotland; that thereby, and by the happy conclusion in the two next parliaments, not only all questions, and unhappy rubs, which may hereafter, at any time, be unluckily cast in, may then be decided, and put to a quiet end; but all other means may also then be used, for increasing the mutual love, quenching all sparks of old debates, and conforming them among themselves to that uniformity of manners and customs, which God, by his providence, in apparent sight of all the world, hath begun, and by the finishing whereof the true meaning of that acknowledgment in my recognition may be performed and accomplished.—As for the bill, which to this effect I did frame, it would never have proceeded of me, to have so far overweened myself of the laws and customs here, as to have straightly thereby prescribed to the parl. what words they should precisely use in that purpose; but being humbly requested by Francis Bacon (then mouth of that part of the house, which came to me) that, for the supply of his memory, I would shortly set down the substance of that part of my speech, then publicly uttered to the lower house, I was contented to indict it to him as it hath been often read in your open audience: but I am so far from being wedded to any opinions of mine, in the form thereof, as whatsoever words may be found, by the parl. by their committees, or the judges of the land (whose opinions I will ever reverence and honour in their own elements) which are contained within my last project, which may be found to be contrary or derogatory to the provisoes or explanations of my meaning therein set down, I am heartily well contented, that, by the advice of the same judges, they may be cleared, guarded by cautions, changed, innovated, or utterly scraped out, as may best agree with the

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substance of my meaning, and eschew any inherent contradiction, which may be least lurking within the said bill, or act of parl. to be made: and especially, because I hear greatest doubts and questions of law made, that the assuming the word and title of Bretany, by act of parl. before the accomplishment of these particulars, may imply any secret or [tacit] derogation to the rest of the particular conditions included in [the] same bill; although my inserting of the particular name now, was only for the better furtherance of the grounds, which are before rehearsed; yet am I so far from allowing or permitting any tacit contradiction, or obsurity, in that matter, which I by [all] means press to have so clear and evident, as I will not only [if], the truth be upon that side, be content of the omission of [the] name, for this time, but think, and ever esteem, that I have great cause to thank and account well of the learned judges, and other wise men whosoever, that by these means will preserve me from being the cause for making an implicit contradiction to mine own meaning to be contained within M* own law; which could not be willingly done by me, without spot to my honour, pretending one thing, and purposing another; and to the great harm of the subjects of both the realms: but this to be so understood, that if, on the other side [there], be the doubts, cast in by the curious carping of some, wresting and misinterpreting the law against the true meaning [thereof]; that then, and in that case, as I am bound in honour * * to my formerly set-down words, so all my good and loyal subjects, of both the houses, will concur in assisting me [not] to be overruled by wilfulness, where I cannot be convinced by reason."

"A letter from his majesty to the house, in the matter of the Union, written with his own Hand, delivered by sir Roger Aston to mr. Speaker, read publicly at the Board by sir Thos. Lake, standing by the Clerk, as one best acquainted with the King's Hand and Phrase. The Letter followeth in these words§:—

"Ye see, with quhat cleernes and sinceritie I have behaved myself in this carande, even throuch all the progresse thairof, thoch, I will not saye, too littel regairdit by you, but I may justlie saye, not so willinglie embraced by you, as the worthines of the maitter doth well deserve. I proteste to God, the fruictes thairof will chieflie tende to youre owen well, prosperitie, and increase of strenth and greatnes: nothing can staye you from harkening unto it, but jalousie and distruste, ather of me the propounder, or of the maitter by me propounditt: if of me, then doe ye both me and youre selfis an infinite uronge, my conscience bearing me recorde, that I ever deserved the contrarie at youre handis; but if youre distruste be of the maitter itself, then distruste ye nothing but youre owin uisdomes or honesties: for as I have gevin over urangling upon wordis with you, so crave I no conclusion to be taken at this tyme heirin, but only a commission, that it mave be disputid, consideredd upon, and reportid unto you; and then will ye be youre owin cookes, to dresse it as ye liste: so that (as I have allreaddie said) since the conclusion thairof can never be without youre owin asseintis; if ye be trew to youre selfis, no man can deceave you in it. Let not youre selfis thairfore be transported with the curiositie of a few giddie heads; for it is in you nou to make the choice, ather, by yielding to the Providence of God, and embracing that, quhiche he hath castin in youre mouthis, to procure the prosperitie and increase of greatnes to me and myne, you and youres; and, by the auaye-taking of that partitionuall, quhiche allreaddie, by Goddis Providence, in my bloode is rent asunder, to establishe my throne, and youre boddie politike, in a perpetuall and floorishing peace: or ellis, contemning Goddis benefites, so freely ofred unto us, to spitte and blaspheme in his face, by praeferring warre to peace, trouble to quyetnes, hatred to love, weaknes to greatnes, and division to union; to sowe the seidis of discorde to all oure posterities; to dishonoure youre king; to make both me and you a proverbe of reproche in the mouthis of all straingeris, and all ennemies to this nation, and envyars of my greatnes; and oure next laboure to be, to take up new guarisons for the bordouris, and to make new fortifications thaire. 'Sed meliora spero.' I hoape, that God, in this choice, and free will of youris, will not suffer you, with olde Adame, to choose the worste, and so to procure the defacing of this earthlie Paradise; but, by the contrarie, that he shall inspyre you so, as, with the seconde Adame, ye shall produce peace; and so beutifie this oure earthlie kingdome heereuith, as it may represente, and be an aries-pennie unto us, of that æternal peace in that spirituall kingdome, quhiche is præpared for the perpetuall residence of all his chosen children."

Notwithstanding these remonstrances from the king, this affair went on but heavily in both houses; for though this parl. at the king's desire, went upon the business and brought it to some forwardness, yet it is easy to see that the matter was treated very cooly throughout this session; and, in the end, it was left to Commissioners, to manage it by themselves. The act for appointing these Commissioners is not printed in the public statutes; and we are obliged to mr. Wilson, the writer of this king's Life, for the English Commissioners Names, and some account of their power in concluding the business. The Commissioners for England were the lord chancellor Ellesmere, the earls of Dorset, Nottingham, Southampton, Pembroke and Northampton; the bishops of London, Durham

§ The original letter is here inserted, in the king's hand, but without his sign manual; and is thus endorsed: "Rex. His majesty's letter to the commons house of parl. touching the matter of the Union, 1° Maii, 1604."—Note in the printed Journals.

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and St. David's; the lords Cecil, Zouch, Monteagle, Eure and Shefield of the Upper House. For the Commons were Tho. lord Clinton, Rob. lord Buckhurst, sir Francis Hastings, sir John Stanhope, sir John Herbert, sir George Carew, sir Tho. Strickland, sir Edw. Stafford, sir Henry Nevil of Berkshire, sir Rd. Buckley, sir Henry Billingsley, sir Daniel Dun, sir Edw. Hobby, sir John Savile, sir Rob. Wroth, sir Tho. Chaloner, sir Rob. Mounsel, sir Tho. Ridgeway, sir Tho. Holcroft, sir Tho. Hesketh, sir Francis Bacon, sir Lawrence Tanfield, sir Henry Hobart, sir Henry Withington, sir Ralph Gray, sir Tho. Lake, knights; John Bennet, LL.D. Robert Askwith, Tho. James and Henry Chapman, citizens and merchants. These, or any 8 of the said Lords, and 20 of the said Commons, shall have power to assemble, meet, treat and consult, with certain select commissioners to be named and authorised by the parl. of Scotland, concerning such matters, causes and things, as they, in their wisdoms, shall deem convenient and necessary for the honour of the king, and common good of both kingdoms.

Notwithstanding all this parade, the Commissioners on both sides no sooner met, than they found the matter impracticable; for the Scotch, though we had taken their king, absolutely refused to be governed by any of our laws.

*A Conference appointed for Reformation of Ecclesiastical Matters.*] April 15th, Mr. Secretary Herbert brought a message to the Lords from the Commons to this effect: "That whereas their Speaker had signified to the whole house his maj.'s pleasure that a conference should be had, with certain of the lords the bishops, concerning a Reformation of certain Matters and Rights of the Church, of which some complaints had been made; and for a better correspondence to be held betwixt the clergy and laity for the future: the Commons were willing to have such a conference with some select number of the bps.; but so, to confer with them as Lords of the Higher House of parl. and not in such condition and quality as they are of the Convocation House." To which Message the Lords said they would return an answer the next day, or, as soon as they conveniently might.—Accordingly on the morrow an answer was returned by the Lords, that they approved of a conference, and had nominated 30, or thereabouts, of their house, a committee for that purpose. This committee consisted of all the great ministers of state, 7 earls, 11 barons, and 14 bps. The commons appointed 60 of their house to attend the Lords; but the king judging that this great number from both houses, would rather perplex than conciliate the conference, sent a message to desire them to constitute sub-committees to treat about these Church Affairs. On which the Lords named only 9 of the former number, and the Commons 20; which were to meet, on the 21st of May, in the Council Chamber of the Court, to settle this business.—The Lords Journals leave us short as to what was done, or agreed on, at this Conference between the two houses; but those of the Commons give us certain Articles or Instructions, on which their committee was to treat with that of the other house. The Articles were as follow:—

*Articles to be debated on.*] "1. *Inprimis.* That the Articles only concerning the Doctrine of Faith, and of the Sacraments, whereunto the ministers ought to subscribe, by the statute of the 13th Eliz. may be explained, perfected, and established by parl.; and that no contrary doctrine may be taught within this realm; and that all masters of household may be compelled to subscribe unto the same Articles, as well as the ministers.—2. *Item*, That from henceforth none other be admitted to be Ministers of the Word and Sacraments, than such as are, at the time of their admittance, Bachlers of Art, or of an higher degree in schools; having testimony from the university, or college, whereof he was, of his ability to preach, and of his good life; or else such, as are approved, and allowed to be sufficient to preach, and instruct the people, and to be of good life, by some testimonial of 6 preachers of the county, where the party dwelleth.—3. *Item.* That from henceforth no dispensation or toleration shall be allowed to any, to have or retain two, or more benefices, with cure of souls, or to be non-resident; and that such as now have double benefices, or be non-resident, shall give sufficient allowance yearly to maintain a preacher in their absence; and that, for this purpose, the incumbent shall be allotted to make his residency in one of his parsonages, to the intent, that in the other church a certain and constant minister may be maintained and kept.—4. Also it is thought meet, where the living of the vicar, or curate, is under 20l. by the year, that, for the better maintenance of the vicar, or curate (being a preacher) there may be some increase made of his living, as shall be thought convenient.—5. Also it is humbly desired, that the Lords would confer with us, touching a Petition to be preferred to the king's maj. that, by his gracious favour, such order be taken, that no minister be forced to subscribe, otherwise than to the Articles concerning only the Doctrine of Faith and Sacraments, whereunto by the said statute, made in the 13th Eliz. they are appointed to subscribe.—6. Also to confer with the Lords, that such faithful ministers, as dutifully carry themselves in their functions and callings, teaching the people diligently, may not be deprived, suspended, silenced, or imprisoned, for not using of the Cross in Baptism, or the surplice, which turneth to the punishment of the people. —Touching Ecclesiastical Courts, there is a Bill drawn by the Committees, ready to be preferred to the House.

*A Petition for Dispensing in Matters indifferent.*] June 13th. Sir Fs. Hastings made a Report to the Commons of what their sub-committee had done, who were appointed to search precedents, touching intermeddling with Ecclesiastical matters. Several precedents and laws were produced: as, also, the form of a Petition for a Dispensation, with some Ministers, in

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Matters indifferent, &c. which Petition follows in these words:—

"To the king's most excellent majesty. Most dread sovereign: forasmuch as your maj. out of your princely favour, hath vouchsafed to signify your gracious pleasure, that we should enter into consultation of things that concern the establishment of true Religion in this land, thereby, as by many other ways, making evident demonstration of your maj.'s most religious affection and princely wisdom in the direction of these causes; we have thought it expedient, rather by this our humble Petition, to recommend to your maj.'s godly consideration certain matters of grievance, resting in your royal power and princely zeal either to abrogate or moderate, than to take the public discussing of the same unto ourselves; to the end (if it so seem good to your highness) we may, from the sacred fountain of your maj.'s most royal and religious heart, wholly and only derive such convenient remedy and relief therein, as to your princely wisdom shall seem most meet. The matters of grievance (that we be not troublesome to your maj.) are these: the pressing the Use of certain Rites and Ceremonies in this Church; as the Cross in Baptism, the wearing of the Surplice in ordinary parish churches, and the Subscription required of the Ministers, further than is commanded by the laws of the realm; things which, by long experience, have been found to be the occasions of such difference, trouble, and contention in this church, as thereby divers profitable and painful ministers, not in contempt of authority, or desire of novelty, as they sincerely profess, and we are verily persuaded, but upon conscience towards God refusing the same, some of good desert have been deprived, others of good expectation withheld from entering into the ministry, and way given to the ignorant and unable men, to the great prejudice of the free course and fruitful success of the Gospel, to the dangerous advantage of the common adversaries of true religion, and to the great grief and discomfort of many of your maj.'s most faithful and loyal subjects. In tender compassion whereof, may it please your excellent maj. of your zeal towards the Gospel, to vouchsafe some gracious, princely, and favourable consideration of the burden of these grievances, under which this Church hath of long time groaned; in doing whereof, we are verily persuaded, your maj. shall much more easily accomplish your religious intendments; the one of settling the peace of this Church, the other of planting a learned and faithful Ministry through this realm; also your maj. shall greatly comfort the hearts of many grave and learned Ministers, give much contentment to your highness's most loving subjects, purchase to your royal person great increase of honour, and gain to Almighty God his most due and deserved glory: Who ever keep your sacred maj. under the wings of his most mighty and blessed protection. *Mercurii*, 13 *Junii*, 1604."

This Petition was much opposed by several members, and defended by others; but, in the end, it was dropped, as we suppose, for we hear no more of it. What the result of all these Conferences produced, is uncertain; but it is probable they laid the groundwork of four Acts which passed this session, the titles of which are given in the Catalogue of the Acts in the Lords' Journals, but are none of them, except the first, mentioned in the printed statutes. Their titles are these; and conclude all we shall say of this matter. 1. 'An Act for avoiding multiplicity of Leases, made by abps. and bps. of such lands and possessions as belong to their several sees.' By this act the crown itself was disabled from receiving any Conveyances of abps. and bps. estates. 2. 'An Act against scandalous and unworthy Ministers.' 3. 'An Act for disburthening of Clergymen of all such Affairs as may hinder them in their divine Callings and Cures.' 4. 'An Act for the better discovery and suppressing of Simony, and other corrupt procuring of Ecclesiastical dignities, titles, jurisdictions, offices, places, and promotions.

*Conference about Wards, Respite of Homage, &c.*] May 19th. Sir Edwin Sandys and others were sent from the Lower House to the Lords, and delivered a message from the Commons to this effect: "That whereas a motion had been made by that house, in the beginning of this parl. for a Conference with their lordships about the business of Wards; which received some impediment in the proceeding, at that time, by reason of other business: they were now desirous to make Petition to the king, in which they desired their lordships' concurrence, that he will be pleased to give them audience concerning that matter, and to make some proposal to his maj. of an offer in lieu of the said Wardships. And whereas, at the same time, their lordships moved to have Conference concerning Respite of Homage, which they thought proceeded from the lords out of favour and good respect towards them; they desired also, to address the king to give them a hearing, not only of this matter, but of the other branches growing from the same root; such as Tenures in Capite, Licence of Alienation, Premier Seizins, and such like; concerning all which particulars they did hope to make it appear to his maj. by the course they meant to propound to him, that he should not receive loss or prejudice, but rather convenience and advantage." To which Message the Lords took time to return an answer to the 21st.—On which day, on a motion of the lord chancellor, an answer was returned to the Commons, "That their lordships had made choice of 30 of their house for a Conference; and that they desire the Commons to appoint a competent number of their body to meet them. Also, that their committee should come sufficiently prepared and authorized to deliver and make known to them the grounds and reasons which they design to propose to h maj. concerning these particulars."



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What was done or said at this Conference is not handed down to us; but a remarkable Entry is made in the Journal of the Lords for that day, in these words: "26 *Maii predict.* Report made by the lord chancellor of that which passed in the Conference with the Lower House, concerning the matter of Wards and Respite of Homage; and a repetition thereof also by the lord Cecil. The conclusion whereof was, That the Lords did, by way of advice, move and wish them to forbear any further dealing therein, or to offer any further Petition for it to the king; both for divers considerations in the matter itself, and in respect of this time of his maj.'s first parl. which they thought to be inconvenient and unseasonable for it." Thus this business dropped for this time.

*The Commons complain of a Book in Favour of the Union.*] May 26, complaint was made to the Lords by a message delivered by sir Edw. Hobby and others from the Lower House, concerning a certain Book, which of late, as they said, fell into their hands, intitled, ****. "By the publishing of which Book, (tending to make division and strife, they conceive wrong and dishonour done both to the Lower House and the Lords themselves. That the secrets of that house should be discovered touching such matters as had been by them debated, heard and allowed by the Lords, approved by the Judges of the realm, and assented to by his maj. which fault, they said, if any one of their house had committed, they protested they would have inflicted exemplary punishment upon him. But because they supposed that it was the work of some in the Upper House, they desired Conference with the Lords, to consider what course may be taken in it." The Lords returned for Answer, "That when they had perused the Book, which, as yet most of them had not done, and had considered how it may touch the honour of either house, they will shew themselves as tender and sensible of it as the Commons; and will let them soon know their opinion concerning it."—The title of this Book is left blank in the Lords Journals, but whether by design or negligence is uncertain; nor are we better assisted by those of the Commons. However, the sequel will inform us, both who the author of it was, and the nature of the subject which gave the offence. Two stationers, called Field and Chard, concerned in the printing and publishing the Book, were sent for, and brought before the House of Lords by the serjeant at arms. These men confessed the publication, and that the Bishop of Bristol was the Author of it.* This put the House to a stand, what punishment to inflict upon the stationers; when so great a man, and one of their own body, was the principal aggressor. They were ordered to attend the House, however, 'in die ad diem,' for some time; in the mean while the Commons, in a Conference, pushed the thing warmly against the bp; and the Lords, after some deliberation amongst themselves, what satisfaction to give to the other House about this matter, did all agree in opinion that it might best be done, if the said bp. would voluntarily acknowledge himself to have committed an error, and that he was sorry for the same. We are told that the bp. at last, consented to make this acknowledgement, which he read in the House in form, as follows:—

*The Bp. of Bristol, the Author, asks pardon for it.*] "1. I confess I have erred in presuming to deliver a private sentence, in a matter so dealt in by the high court of parl. 2. I am sorry for it. 3. If it was to do again I would not do it. 4. I protest it was done out of ignorance, and not out of malice, towards either of the houses of parl. or any particular member of the same; but only to declare my affection to the intended Union, which I doubt not but all your lordships do allow of."

Some days after, the Commons sent a message to the Lords, wherein they acknowledged their lordships' honourable proceeding in this matter; but, at the same time, for their better satisfaction, they desired that a copy of the bp.'s Declaration of his error, &c. might be given them; that it might be recorded also in the Journals of that House; and that the Book might be suppressed. The Lords took time to consider of this message; and afterwards, in another Conference, about this and other matters, the Commons had the satisfaction they desired, and so the affair was ended.

*Act for Tonnage and Poundage.*] June 14, was sent up by the Commons, a bill for a Subsidy of Tonnage and Poundage. It was read a 2nd time in the Lords on the 18th, when the Lord Treasurer stood up, and acquainted the Lords, "That having perused and considered of the said bill, he found some omission or imperfection in the same, proper to be reformed for his maj.'s benefit and service. He therefore moved, that a Conference might be had with the other house about it." This was unanimously agreed to, and a message sent to the Commons, wherein the Lords expressed themselves, "That they would not have the Lower House think it proceeded from any coldness in affection or duty, on their parts, to desire a conference with them on the amendment of the said bill." Answer was returned, that the Commons agreed to a Conference; on which two committees were appointed for that purpose. And, on another motion, the Lords agreed, that in the Conference, the committee for the Commons might be desired to propound to that house their lordships' earnest request and expectation, that some means might be by them considered of, for a relief or subsidy to be farther granted to his maj. to supply his present necessities.

*Debate on the Imprisonment of a Member in the Fleet.*] In the Journals of the Commons, is a remarkable affair, relating to the Impri-

* This Bishop of Bristol was John Thornborough, translated to this See from Limerick in Ireland, anno 1603. Afterwards in 1616, he was translated to Worcester. Le Neve's Fasti Ecc. Ang.

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sonment of one of their own Members. Sir Thomas Shirley, member for Steyning, had been committed prisoner to the fleet, soon after his return, and before the parl. met, on an execution. The House sent their serjeant at arms to demand the prisoner; which was refused by the warden. On this, he was sent for himself to the house, where he still persisted in denying to release the prisoner; and was committed to the Tower for the contempt. On the 9th of May, a strong debate arose in the house, what they should do to release their brother, some arguing that the house could not, by law, secure the warden from an escape of his prisoner. But the Recorder of London said, "That this was not a time to treat about matters of law; but how to deliver sir Tho. Shirley. He moved that six of the house might be selected and sent to the Fleet, with the serjeant and his mace to attend them; there to require the delivery of sir Tho. Shirley: and, if it was denied, to press to his chamber, and, providing for the safety of the prison and prisoners, to free him by force and bring him away with them to the house."—This motion was put to the question, and, the house dividing, there were 176 for it, and 153 against the motion; on which it was resolved to send, with direction and authority, as before. But the Speaker putting the house in mind, that all those, so sent to enter the prison in that manner, were by law subject to an action upon the case; it was thought meet to stop this proceeding.—Many projects were formed in the house for several days together, for the delivery of the prisoner, but to no purpose; when the warden was again ordered to be brought before them; and being told of the greatness of his contempt, and terrified with further punishment if he would not yield, he still refused to deliver his prisoner to them. On this, another debate arose, and, having come to a resolution, the warden was called in again, when he, still persisting in his obstinacy, was told by the Speaker, "That, as he did increase his contempt, so the house thought fit to increase his punishment; and that their judgment was now, he should be committed to the prison, called Little-Ease, within the Tower."

The next day, the lieut. of the Tower sent a letter to the Speaker, importing, That he had talked with the warden, his prisoner; and that he now seemed to have some feeling of his error and obstinacy; and that if the house would send two of their members, which he named, to satisfy him in the point of his security, he would be content to deliver up his prisoner to their serjeant, when they would please to send for him. But the house would not consent to this; and after many more arguments and debates, the day after they came to a resolution, to send another warrant of Habeas Corpus to release their member; and that the warden should be brought from the Tower to the door of the Fleet, and there to have it served upon him by the serjeant, and then to be returned to his dungeon of Little-Ease again. The Form of all these warrants are in the Journals; but there is a mem. added to this last, "That mr. Vice-Chamberlain was privately instructed to go to the king, and humbly desire that he would be pleased to command the Warden, on his allegiance, to deliver up sir Thomas; not as petitioned for by the house, but as if himself thought it fit out of his own gracious judgment."

It is probable this last method prevailed; for we find that sir Thomas was delivered up, by a petition sent to the house from the warden, in his strait durance, and praying to be released from it. However, the house thought fit to continue him in confinement some time longer; when, at last, being ordered to be brought to the bar, on his knees, "He confessed his error and presumption, and professed that he was unfeignedly sorry that he had so offended that honourable house." On which the Speaker, by direction of the house, pronounced his pardon and discharged him, paying the ordinary fees.

June 20. The Form of Apology and Satisfaction to be delivered to his maj. penned and agreed by a former select committee, was reported, and presented into the house, by sir Tho. Ridgeway, one of the committee. This very curious paper is not entered in the Journals, nor is it to be found in the Parliamentary or Constitutional History, but is preserved at length in Petyt's Jus Parliamentaria*, and is highly deserving of a place in this work. It is as follows:

*Apology of the House of Commons, made to the King, touching their Privileges.*

To the King's Most Excellent Majesty; from the House of Commons assembled in Parliament.

"Most gracious Sovereign, We cannot but with much joy and thankfulness of mind acknowledge your maj.'s great graciousness, in declaring lately unto us, by the mouth of our Speaker, That you rested now satisfied with our doings. Which satisfaction notwithstanding, though most desired and dear unto us, yet proceeding merely from your maj.'s most gracious disposition, and not from any justification which on our behalf hath been made; we found this joy intermingled with no small grief; and could not, dread sovereign, in our dutiful love to your maj. and in our ardent desire of the continuance of your favour towards us, but tender in humble sort this farther satisfaction, being careful to stand right, not only in the eye of your maj.'s grace, but also (and that much more) in the balance of your princely judgment; on which all assuredness of love and grace is founded. Into which course of proceedings we have not been rashly carried by vain humour of curiosity, of contradiction, of presumption, or of love of our own

* See Petyt's Jus Parl. ch. 10, p. 227. See also Hatsell's Precedents, vol. i. p. 219.

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devices or doings, unworthy affections in a council of parl. and more unworthy in subjects towards their lord and sovereign; but, as the Searcher and Judge of all hearts doth know, for these and for no other undue ends in the world; to increase and nourish your maj.'s gracious affection towards your loyal and most loving people, to assure and knit all your subjects' hearts most firmly to your maj. to take away all cause of jealousy on either part, and diffidence for times ensuing, and to prevent and control all sinister reports, which might be unreasonably spread either at home or abroad with prejudice to your maj. or the good state of your kingdom. With these minds, dread sovereign, your commons of England, represented in us their knights, citizens, and burgesses, do come with this humble declaration to your highness, and in great affiance of your most gracious disposition, that your maj. with benignity of mind correspondent to our dutifulness, will be pleased to peruse it. We know, and with great thankfulness to God acknowledge, that he hath given us a king of such understanding and wisdom as is rare to find in any prince in the world. Howbeit, seeing no human wisdom, how great soever, can pierce into the particularities of the rights and customs of peoples or of the sayings and doings of particular persons, but by tract of experience and faithful report of such as know them (which it hath pleased your maj.'s princely mouth to deliver) what great [illegible] of mind hath it been unto us at some time, in presence to hear, and so in other things to find and feel by effect your gracious maj. (to the extreme prejudice of all your subjects of England, and in particular of this house of the commons thereof) so greatly wronged by misinformation, as well touching the estate of the one as the privileges of the other, and their several proceedings during this parl.; which misinformations, though apparent in themselves, and to your subjects most injurious, yet have we, in some humble and dutiful respect, rather hitherto complained of amongst ourselves, than presumed to discover and oppose against your majesty."

"But now, no other help or redress appearing, and finding those mis-informations to have been the first, yea, the chief and almost the sole cause of all the discontentful and troublesome proceedings so much blamed in this parl.; and that they might be again the cause of like or greater discontents and troubles hereafter (which the Almighty Lord forbid) we have been constrained, as well in duty to your royal maj. whom with faithful hearts we serve, as to our dear native country, for which we serve in this parl. to break our silence, and freely to disclose unto your maj. the truth of such matters concerning your subjects the commons, as hitherto by misinformation hath been suppressed or perverted: wherein that we may more plainly proceed, (which next unto truth we affect in this discourse) we shall reduce these misinformations to three principal heads; 1st. Touching the cause of the joyful receiving of your maj. into this your kingdom. 2dly, Concerning the Rights and Liberties of your subjects of England, and the Privileges of this House. 3dly, Touching the several Actions and Speeches passed in the House, it has been told us to our faces by some of no small place (and the same spoken also in the presence of your maj.) 'That on the 24th of March was a twelvemonth,* we stood in so great fear, that we would have given half we were worth for the security wherein we now stand.' Whereby some misunderstanders of things might perhaps conjecture, that fear of our own misery had more prevailed with us in the duty which on that day was performed, than love of your maj.'s virtues, and hope of your goodness towards us. We contrarywise most truly protest the contrary, that we stood not at that time, nor of many a day before, in any doubt or fear at all. We all professing true Religion by law established (being by manifold degrees the greater, the stronger, and more respective part of this your maj.'s realm) standing clear in our consciences touching your maj.'s right, were both resolute, with our lives and all other our abilities, to have maintained the same against all the world, and [illegible]land also in all parts to have suppressed such tumults, as, but in regard of our poor united minds and readiness, by the malecontented and turbulent might have been attempted. But the true cause of our extraordinary great cheerfulness and joy in performing that day's duty, was the great and extraordinary love which we bear towards your maj.'s most royal and renowned person, and a longing thirst to enjoy the happy fruits of your maj.'s most wise, religious, just, virtuous, and gracious heart. Whereof not rumour, but your maj.'s own writings, had given us a strong and undoubted assurance. For from hence, dread sovereign, a general hope was raised in the minds of all your people, that under your maj.'s reign religion, peace, justice, and all virtue should renew again and flourish. That the better sort should be cherished, the bad reformed or repressed, and some moderate ease should be given us of those burdens and sore oppressions, under which the whole land did groan.

"This hope being so generally and so firmly settled in the minds of all your most loyal and most loving people, recounting what great alienation of men's hearts the defeating of great hopes doth usually breed, we could not in duty, as well unto your maj. as to our country, cities, and boroughs, (who hath sent us hither not ignorant or uninstructed of their griefs, of their desires, and hopes) but, according to the ancient use and liberty of parliaments, present our several humble Petitions to your maj. of different nature: some for Right and some for Grace, to the easing and

* Queen Eliz. died on that day, the 24th of March, 1603.

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relieving of us of some just burdens, and of other some unjust oppressions, wherein what due care, and what respect we have had, that your maj.'s honour and profit should be enjoyed with the content and satisfaction of your people, shall afterwards in their several due places appear. Now concerning the ancient Rights of the subjects of this realm, chiefly consisting in the Privileges of this House of parl. the misinformation openly delivered to your maj. hath been in three things: 1st. That we held not Privileges of Right, but of Grace only, renewed every parl. by way of donature upon petition, and so to be limited. 2dly, That we are no Court of Record, nor yet a Court that can command view of Records; but that our Proceedings here are only to acts and memorials, and that the attendance with the records is courtesy, not duty. 3dly, and lastly, That the examination of the return of writs for knights and burgesses is without our compass, and due to the chancery.

" Against which assertions (most gracious sovereign) tending directly and apparently to the utter overthrow of the very fundamental Privileges of our House, and therein of the Rights and Liberties of the whole Commons of your realm of England, which they and their Ancestors from time immemorable have undoubtedly enjoyed under your maj.'s most noble progenitors; we the knights, citizens, and burgesses of the house of commons assembled in parl. and in the name of the whole commons of the realm of England, with uniform consent for ourselves and our posterity, do expressly protest, as being derogatory in the highest degree to the true dignity, liberty, and authority of your maj's high court of parl. and consequently to the rights of all your maj.'s said subjects, and the whole body of this your kingdom; and desire that this our protestation may be recorded to all posterity. And contrarywise with all humble and due respect to your maj. our sovereign lord and head, against those misinformations we most truly avouch; 1st. That our Privileges and Liberties are our Right and due inheritance, no less than our very Lands and Goods. 2dly. That they cannot be withheld from us, denied, or impaired, but with apparent wrong to the whole state of the realm. 3dly. And that our making of request, in the entrance of parl. to enjoy our Privilege, is an act only of manners, and doth weaken our right, no more than our suing to the king for our lands by petition; which form, though new and more decent than the old by precipe, yet the subject's right is no less now than of old. 4thly. We avouch also, that our House is a Court of Record, and so ever esteemed. 5thly. That there is not the highest standing court in this land that ought to enter into competency either for dignity or authority with this high court of parl. which with your maj.'s royal assent gives laws to other courts, but from other courts receives neither laws nor orders. 6thly, and lastly, We avouch that the House of Commons is the sole proper judge of Return of all such Writs, and of the Election of all such Members as belong unto it, without which the freedom of election were not entire. And that the chancery, though a standing court under your maj. be to send out those writs, and receive the returns, and to preserve them, yet the same is done only for the use of the parl. Over which neither the chancery, nor any other court, ever had, or ought to have any manner of jurisdiction.

" From these misinformed positions (most gracious sovereign) the greatest part of our troubles, distrusts, and jealousies have risen; having apparently found, that in the first parl. of the happy reign of your maj. the Privileges of our House, and therein the Liberties and Stability of the whole Kingdom, have been more universally and dangerously impugned than ever (as we suppose) since the beginnings of parliaments.—Besides that in regard of her* sex and age which we had great cause to tender, and much more upon care to avoid all trouble, which by wicked practice might have been drawn to impeach the quiet of your maj.'s right in the succession, those actions were then passed over, which we hoped, in succeeding times of freer access to your highness of renowned grace and justice, to redress, restore, and rectify.—Whereas contrarywise in this parl. which your maj. in great grace (as we nothing doubt) intended to be a precedent for all parliaments that should succeed, clean contrary to your maj.'s so gracious desire; by reason of these misinformations, not Privileges, but the whole Freedom of the Parliament and Realm have from time to time, upon all occasions, been mainly hewed at us.—First, the Freedom of Persons in our Election hath been impeached. Secondly, the Freedom of our Speech prejudiced by often reproofs. Thirdly, particular persons noted with taunt and disgrace, who have spoken their consciences in matters proposed to the house, but with all due respect and reverence to your majesty.—Whereby we have been in the end subject to so extream contempt, as a gaoler durst so obstinately withstand the decrees of our house; some of the higher clergy to write a book against us, even sitting the parliament; the inferior clergy to inveigh against us in pulpits, yea to publish their protestations, tending to the impeachment of our most ancient and undoubted rights in treating of matters for the peace and good order of the church."

" What cause we your poor Commons have to watch over our privileges, is manifest in itself to all men. The prerogatives of Princes may easily, and do daily grow. The Privileges of the Subject are for the most part at an everlasting stand. They may be by good providence and care preserved, but being once lost are not recovered but with much disquiet.—If good kings were immortal as well as kingdoms, to strive so for privilege were but vanity perhaps and folly; but seeing the same God

* Queen Elizabeth.

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who in his great mercy hath given us a wise king and religious, doth also sometimes permit hypocrites and tyrants in his displeasure, and for the sins of the people; from hence hath the desire of rights, liberties, and privileges, both for nobles and commons, had its just original; by which an harmonical and stable state is framed; each member under the head enjoying that right, and performing that duty, which for the honour of the head and happiness of the whole is requisite.—Thus much touching the Wrong done to your maj. by misinformation touching our privileges.

"The last kind of misinformation made to your maj. hath been touching the actions and speeches of particular persons used in the house. Which imputation notwithstanding, seeing it reacheth the whole house in general, who neither ought, neither have at any time suffered any speech touching your maj. other than respective, dutiful, and as become loyal subjects of a king so gracious; and forasmuch as it is very clear unto us by the effect, that divers things spoken in the house, have been perverted and very untruly reported to your maj.; if it might seem so fit in your maj.'s wisdom, and were seemingly for us to crave, we should be most glad, if, for our better justification, and for your further satisfaction, which we principally desire, the accusers and the accused might be confronted.

"And now (most gracious sovereign) these necessary grounds of our causes and defences being truly laid, and presented sincerely to your maj.'s grace and wisdom, the justification of such particulars, wherein your highness seemed doubtful of our dutiful carriage (though not so much for the matter, as for the manner of our proceedings) we trust will be plain; and to expedite which particulars, we find them to have been of three different natures:—The 1st sort, concerning the Dignity and Privileges of our house. The 2nd, the good Estate of the Realm and Church. The 3rd, was for Ease of certain Grievances and Oppressions.—In the 1st rank there were five particulars. 1. The matter of the Gentleman Usher. 2. Of the Yeomen of the Guard. 3. Of the Election of the Knights of Buckinghamshire. 4. Of sir Thomas Shirley's Deliverance. 5. And of the bp. of Bristow's Pamphlet.—The 2nd head had two particulars, the Union and Matters of Religion.—The 3rd head had three, the Bill of Assarts;* and Matters of Purveyors; and the Petition for Wardships.—Of each of these we must say somewhat to give your maj. satisfaction, and that with all brevity, to shun tediousness and trouble.

"The Gentleman Usher's fault in depriving, by his unaccustomed neglect, a great part of our house from hearing your maj.'s speech the first day of parl. we could not, in the grief of being frustrate of our so longing and just desire to hear your maj.'s voice and renowned wisdom, but complain of in decent sort among ourselves, and further we proceeded not. Your maj.'s extraordinary great grace and favour, in rehearsing the day ensuing your former admirable speech, did give us content with abundance of increase of joy.—The Yeoman of the Guard's* words were very opprobrious; and howsoever they might have been not unfitly applied to the peasants of France, or boores of Germany, yet could they not be other than very reproachful and injurious to the great dignities and honour of the commons of this realm, who contain not only the citizens, burgesses, and yeomanry, but also the whole inferior nobility of the kingdom, knights, esquires, and gentlemen, many of which are come immediately out of the most noble families, and some other of their worth advanced to the high honour of your maj.'s privy council, and otherwise have been imployed in very honourable service; in sum, the sole persons of the higher nobility excepted, they contain the whole power and flower of your kingdom; first, with their bodies, your wars; secondly, with their purses, your treasures are upheld and supplied; thirdly, their hearts are the strength and stability of your royal seat.—All these, amounting to many millions of people, are representatively present in us of the house of commons. The wrong done to us doth redound upon the whole land, and will be so construed. We could not therefore do less in our duties to the realm, than to advertise such a delinquent of the unseemliness of his fault, neither could we yet do more in duty to your maj. than upon his acknowledgement thereof so freely to remit it.

"The Rights of the Liberties of the Commons of England consisteth chiefly in these three things: 1st, that the shires, cities, and boroughs of England, by representation to be present, have free choice of such persons as they shall put in trust to represent them:—2ndly, that the persons chosen during the time of the Parl. as also of their access and recess, be free from restraint, arrest, and imprisonment:—3rdly, that in Parl. they may speak freely their consciences without check and controulment, doing the same with due reverence to the sovereign court of parl. that is to your maj. and both the houses, who all in this case make but one politick body, whereof your highness is the head.—These three several branches of the antient inheritance of our Liberty, were in three matters ensuing apparently injured. The Freedom of Election in the Case of sir Francis Goodwin. The Freedom of the Per-

"* Assart (as it is here properly to be understood) signifies where the subject within the limits and bounds of the king's forests, stubs the ground, making it fit for tillage, without the king's licence."

"* Brian Tasbe, the yeoman of the guard, keeping one of the doors of the upper house, repulsed several members of the lower house, and shut the door upon them, with these uncivil and contemptible terms, "Goodmen burgesses, you come not here."—Journ. Dom. Com.—See p. 996.

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sons elected, in sir Thomas Shirley's imprisonment. The Freedom of our Speech, as by divers other reproofs, so also in some sort by the bp. of Bristow's invective.

"For the Matter of sir F. Goodwin (see p. 998) the knight chosen for Buckinghamshire, we were and still are of a clear opinion, that the Freedom of Election was in that action extremely injured; that by the same right it might be at all times in a lord chancellor's power to reverse, defeat, to evert and substitute all the elections and persons elected over all the realm. Neither thought we that the * Judges' opinion, which yet in due place we greatly reverence, being delivered what the common law was, which extends only to inferior and standing courts, ought to bring any prejudice to this high court of parl. whose power being above the law is not founded on the common law, but have their Rights and Privileges peculiar to themselves. For the manner of our proceeding, which your maj. seemed to blame, in that the second writ going out in your maj.'s name, we presumed to censure it, without first craving access to acquaint your highness with our reasons therein, we trust our defence shall appear just and reasonable. It is the form of the court of chancery, as of divers other courts, that writs going out in your maj.'s name are returned also as to your maj. in that court from whence they issue. Howbeit therefore no man ever repaireth to your maj.'s person, but proceeds according to law, notwithstanding the writ. This being the universal custom of this kingdom, it was not, nor could be admitted into our conceits, that the difference was between your maj. and us (for God forbid that between so gracious a sovereign, and so dutiful and loving subjects, any difference should arise;) but it always was and still is conceived, that the controversy was between the court of chancery and our court: an usual controversy between courts about their pre-eminences and privileges; and that the question was, whether the Chancery, or our House of the Commons, were judge of the members returned for it. Wherein, though we suppose the wrong done to be most apparent, and extremely prejudicial for the rights and liberties of this realm; yet such and so great was our willingness to please your maj. as to yield to a middle course proposed by your highness, preserving only our privileges by voluntary cessions of the lawful right. And this course, as it were, of deceiving of ourselves, and yielding in our apparent right, wheresoever we could but invent such ways of escape as that the precedent might not be hurtful, we have held, dread sovereign, more than once this parl. upon desire to avoid that, which in your maj. by misinformation, whereof we have had cause always to stand in doubt, might be distasteful or not approveable: so dear hath your maj.'s gracious favour been unto us.

"In the delivery of sir Thomas Shirley (see p. 1028) our proceedings were long; our defence of them shall be brief. We had to do with a man, the warden of the Fleet, so intractable, and of so resolved obstinacy, as that nothing we could do, no, not your maj.'s royal word for confirmation thereof, could satisfy him for his own security. This was the cause of the length of that business; our privileges were so shaken before, and so extremely vilified, as that we held it not fit, in so unreasonable a time, and against so mean a subject, to seek our right by any other course of law, or by any strength than by our own.

"The bishop of Bristow's Book (see p. 1027) was injurious and grievous to us, being written expressly with contempt of the parl. and of both the houses in the highest degree; undertaking to deface the reasons proposed by the commons, approved by the hon. lords, confirmed by the judges, and finally by your royal maj. not disassented to. And to increase the wrong, with strange untruths he had perverted those reasons in their main drift and scope, pretending that they were devised to impugn the Union itself. Whereas both by their title and by themselves it was clear and evident, that they were only used against alteration of name, and that not simply, but before the union of both realms in substance were perfected. This book being thus written and published to the world, containing moreover sundry slanderous passages, and tending to murmurs, distraction, and sedition; we could not do less against the writer thereof, than to complain of the injury to the lords of the higher house, whereof he had now attained to be a member. These wrongs were to the dignity of our house and privileges.

"Touching the causes appertaining to State and Church, true it is, we were long in treating and debating the matter of Union. The propositions were new; the importance great; the consequence far reaching, and not discoverable but by long disputes; our numbers also are large, and each hath liberty to speak. But the doubts and difficulties once cleared or removed, how far we are from opposing to the just desires of your maj. as some evil-disposed minds would perhaps insinuate, who live by division, and prosper by disgrace of other men, the great expedition, alacrity, and unanimity, which was used and showed in passing the bill, may sufficiently testify. For matter of Religion, it will appear by examination of truth and right, that your maj. should

* In the memorable case of Thorp, which happened 31 Hen. VI. the Judges being asked their opinions by the Lords, answered in these words: 'It hath not been used before time, nor becomes it us, to determine matters concerning the high court of parl. which is so high and mighty in its nature, that it is judge of the law, and makes that to be law which is not law, and that to be no law which is; and the determination of its privileges belongs to the Lords in parl. and not to the Justices.' See p. 398.

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be misinformed, if any man should deliver, that the kings of England have any absolute power in themselves, either to alter religion (which God defend should be in the power of any mortal man whatsoever) or to make any laws concerning the same, otherwise than as in temporal causes, by consent of parl. We have and shall at all times by our oaths acknowledge, that your maj. is sovereign lord and supreme governor in both. Touching our own desires and proceedings therein, they have not been a little misconceived and misreported. We have not come in any Puritan or Brownish spirit to introduce their party, or to work the subversion of the State ecclesiastical, as now it standeth: Things so far and so clearly from our meaning, as that with uniform consent in the beginning of this parl. we committed to the Tower a man, who out of that humour, in a petition exhibited to our house, had slandered the bishops. But according to the tenor of your maj.'s writ of summons directed to the counties from whence we came, and according to the ancient and long continued use of Parliaments, as by many records from time to time appeareth, we come with another spirit, even with the spirit of peace. We disputed not of matters of faith and doctrine; our desire was peace only; and our devise of unity, how this lamentable and long lasting dissension amongst the ministers, from which both atheism, sects, and all ill life have received such encouragement and so dangerous increase, might at length, before help come too late, be extinguished. And for the ways of this peace, we are not at all addicted to our own inventions, but ready to embrace any fit way that may be offered; neither desire we so much, that any man in regard of weakness of conscience may be exempted after parl. from obedience unto laws established, as that in this parl. such laws may be enacted, as by the relinquishment of some few ceremonies of small importance, or by any way better, a perpetual uniformity may be enjoyed and observed. Our desire hath also been, to reform certain abuses crept into the ecclesiastical state, even as into the temporal: And lastly, that the land might be furnished with a learned, religious, and godly ministry: For the maintenance of whom we would have granted no small contributions, if in these, as we trust just and religious desires, we had found that correspondency from others which was expected. These minds and hearts we in secret present to that sovereign lord who gave them, and in public profess to your gracious maj. who we trust will so esteem them.

"There remains the Matters of Oppression or Grievance in the bill of Assarts. Your maj.'s council was heard, namely, your solicitor and sir Fra. Bacon. It was also desired by the house, that other of your council would have been present. We knew that our passing the bill could not bind your maj.: howbeit, for sundry equitable considerations (as to us they seemed) we thought good to give so much passage to the bill, in hope your maj. might either be pleased to remit in some sort unto this equity that right, which the rigour of law had given, or otherwise intreated by this kind of solicitation, to let them fall into your maj.'s hands full of piety and mercy, and not into the jaws of devouring promoters. And this do we understand to be your gracious intent, wherewith we rest joyfully content and satisfied. The grievance was not unjust in rigour of law, and was particular; but a general, extreme, unjust, and crying oppression is in cart-takers and purveyors, who have rummaged and ransacked since your maj.'s coming in, far more than under any of your royal progenitors: there hath been no prince since Henry III. except queen Eliz. who hath not made some one law or other, to repress or limit them: they have no prescription, no custom to plead. For there hath not been any parl. wherein complaint hath not been made, and claim of our rights, which doth interrupt prescription. We have not in this present parl. sought any thing against them but execution of those laws, which are in force already. We demand but that justice, which our princes are sworn neither to deny, delay, nor sell. That we sought into the accounts of your maj.'s expence, was not our presumption, but upon motion from the lords of your maj.'s council, and after from your officers of your highness's household; and that, upon a demand of a perpetual yearly revenue, in lieu of the taking away of those oppressions, unto which composition neither know we well how to yield, being only for justice and due right, which is unsaleable: neither yet durst we impose it by law upon the people, without first acquainting them, and having their consents unto it. But if your maj. might be pleased, in your gracious favour, to treat of composition with us for some grievance, which is by law and just; how ready we should be to take that occasion and colour to supply your maj.'s desire, concerning these also, which we hold for unjust, should appear, we nothing doubt, to your maj.'s full satisfaction.

"And therefore we come, lastly, to the matter of Wards, and such other burthens (for so we acknowledge them) as to the Tenures of Capite and Knights service are incident: we cannot forget (for how were it possible?) how your maj. in a former most gracious speech in your gallery at Whitehall, advised us, for unjust burthens to proceed against them by bill: but for such as were just, if we desired any ease, that we should come to yourself, by way of petition, with tender of such countervailable composition in profit, as for the supporting of your royal estate was requisite. According unto which your maj.'s most favourable grant and direction, we prepared a petition to your most excellent maj. for leave to treat with your highness touching a perpetual composition, to be raised by yearly revenue out of the lands of your subjects, for Wardships and other burthens depending upon them,

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or springing with them; wherein we first entered into this dutiful consideration, that this prerogative of the crown, which we desire to compound for, was matter of mere profit, and not of any honour at all or princely dignity: for it could not then, neither yet can by any means, sink into our understandings, that these economical matters of education and marrying of children, which are common also to subjects, should bring any renown or reputation to a potent monarch, whose honour is settled on a higher and stronger foundation: faithful and loving subjects, valiant soldiers, an hon. nobility, wise counsellors, a learned and religious clergy, and a contented and a happy people, are the true honour of a king: and contrarywise, that it would be an exceeding great honour, and of memorable renown to your maj. with all posterity, and in present an assured bond of the hearts of all your people, to remit unto them this burthen, under which our children are born.

"This Prerogative then appearing to be a mere matter of great profit, we entered into a 2d degree of consideration, with how great grievance and damage of the subject, to the decay of many houses, and disabling of them to serve their prince and country; with how great mischief also, by occasion of many forced and ill-suited marriages; and lastly, with how great contempt and reproach of our nation in foreign countries; how small a commodity now was raised to the crown in respect of that, which with great love and joy and thankfulness, for the restitution of this original right in disposing of our children, we would be content and glad to assure unto your maj. We fell also from hence into a 3d degree of consideration, that it might be, that in regard that the original of these wardships was, serving of the king in his wars against Scotland, which cause we hope now to be at an everlasting end; and in regard moreover of that general hope, which at your maj.'s first entry, by the whole land was embraced (a thing known unto all men) that they should be now for ever eased of this burthen; your maj. out of your most noble and gracious disposition, and desire to overcome our expectation with your goodness, may be pleased to accept the offer of a perpetual and certain revenue, not only proportionable to the uttermost benefit that any of your progenitors ever reaped thereby, but also with such an overplus and large addition, as in great part to supply your maj.'s other occasions, that our ease might breed you plenty with their humble minds. With these dutiful respects, we intended to crave access unto your maj. But that ever it was said in our house by any man, that it was a slavery under your maj. more than under our former princes, hath come from an untrue and calumnious report: our sayings have always been, that this burthen was just; that the remitting thereof must come from your maj.'s grace; and that the denying our suit was no wrong.

"And thus, most gracious sovereign, with dutiful minds and sincere hearts towards your maj. have we truly disclosed our secret intents, and delivered our outward actions in all these so much traduced and blamed matters: and from henceforward shall remain in great affiance, that your maj. resteth satisfied, both in your grace and in your judgment, which above all worldly things we desire to effect, before the dissolving of this parl. where in so long time, with so much pains and endurance of so great sorrow, scarce any thing hath been done for their good and content, who sent us hither; and whom we left full of hope and joyful expectation.

"There remaineth, dread sovereign, yet one part of our duty at this present, which faithfulness of heart, not presumption, doth press: we stand not in place to speak or do things pleasing. Our care is, and must be, to confirm the love, and tye the hearts of your subjects, the commons, most firmly to your maj. Herein lieth the means of our well deserving of both: there was never prince entered with greater love, with greater joy and applause of all his people. This love, this joy, let it flourish in their hearts for ever. Let no suspicion have access to their fearful thoughts, that their privileges, which they think by your maj. should be protected, should now by sinister informations or counsel be violated or impaired: or that those, which with dutiful respects to your majesty, speak freely for the right and good of their country, shall be oppressed or disgraced. Let your maj. be pleased to receive public information from your commons in parl. as to the civil estate and government; for private informations pass often by practice: the voice of the people, in the things of their knowledge, is said to be as the voice of God. And if your maj. shall vouchsafe, at your best pleasure and leisure, to enter into your gracious consideration of our petition for the ease of these burthens, under which your whole people have of long time mourned, hoping for relief by your maj.; then may you be assured to be possessed of their hearts; and, if of their hearts, of all they can do or have. And so we, your maj.'s most humble and loyal subjects, whose ancestors have with great loyalty, readiness and joyfulness, served your famous progenitors, kings and queens of this realm, shall with like loyalty and joy, both we and our posterity, serve your maj. and your most royal issue for ever, with our lives, lands, and goods, and all other our abilities: and by all means endeavour to procure your maj. honour, with all plenty, tranquillity, content, joy and felicity."

*Lord Montague opposes the Bill against Jesuits, &c.*] June 25. Another remarkable occurrence happened, of still greater moment. A bill had been brought into the House of Lords this session, intitled, 'an Act for the due execution of the statutes against Jesuits, Seminary Priests, Recusants, &c.' On the 3rd reading of which bill, the lord visc. Montague



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stood up, and made a speech against it; in which he declared, "That he did not only dissent from the bill, but, by way of apology for all sorts of Recusants, undertook the defence of their Religion, and inveighed against the whole state of that religion now established in this realm. He endeavoured to prove the great antiquity of their's, and the novelty of this; saying, that we had been misled to forsake the Religion of our Fathers, and to follow some light persons, of late times sprung up, that were of unsound doctrine, &c. evil life, or to that effect: he thereupon made most earnest request and entreaty to the Lords, that they would have a favourable consideration of the said Recusants, whom the bill did concern, and not to give it passage against them."*

The Journals proceed to tell us, that when some of the bps. had answered to the several points of this speech, relating to the established Religion, the lord chancellor interposed, by making a motion, declaring to the Lords, "That he doubted whether it might stand with the good order of that house, and with his duty, that such a speech should be suffered in the house as the lord Montague had made. In presuming, under pretence of speaking to a bill, to inveigh and speak generally against the whole State of Religion then established: by speaking directly to, and maintaining the tenets of, the Popish religion, so much derogating as it doth from the king's supreme authority and govt. He therefore desired the house to consider, whether the suffering of such a speech would stand with the duty of allegiance they owed to his maj." On this a debate arose; but all the lords that spoke agreed in opinion, that it was a very offensive speech, and not to be suffered to pass without some censure, animadversion, or punishment; except the lord Burleigh, who said, "He thought the best and fittest punishment would be, to let him pass unregarded and unpunished. Because he supposed that the lord Montague did affect a glory in it; and would be glad to get the more reputation amongst the Papists, both at home and abroad, if he should be censured or punished in any sort for their cause." In conclusion, it was thought meet that some order should be taken for the censuring the said lord for his presumptuous speech; but the determination thereof was deferred until the next sitting. After which, the bill being put to the question, it was passed by a great majority.

*Lord Montague committed to the Fleet.*] June 26. This affair was again renewed, and a recital of the lord Montague's speech made; on which it was ordered, by all the lords spiritual and temporal, that the said lord should be committed prisoner to the Fleet. And the warden of that prison was immediately sent for to take him into custody. But he did not continue long a prisoner; for, on the 30th, the Lords being informed that the said lord Montague was sorry for his offence, and that he had given cause for their displeasure; begging to be released from his confinement and take his place in the House: it was ordered, "that he should be discharged from the Fleet, and return to his own house, there to remain till Monday next, when he was to repair to the House of Lords, and by his own mouth declare his dislike of his speech, and give satisfaction to the Lords for the same." Accordingly, on the 2nd of July he was brought to the bar, and there he told the house, "How far it was, and ever should be, from him to do any thing out of any ill disposition or meaning to offend them; rendering unto their lordships most humble thanks, for their no less favourable construction of his intention, than for their most honourable and present releasement of him; with protestation of his most humble and dutiful zeal towards his maj. and also of his most loving and devoted affection towards all their lordships."

*The King's Letter, declining any farther Subsidy at this Time.*] June 26, another remarkable Letter from the King, written with his own hand, but corrected as to the spelling, was sent to the Commons; the intent of which was to signify his pleasure, in relation to a farther Grant of a Subsidy. The Letter is as follows:—"Having been informed, that within the space of these eight or ten days past, there hath been divers times speeches made in the Lower House of our Commons, for a Subsidy to be at this time granted unto us; we have thought it convenient, that ye should, in our name, acquaint the house with the sincere truth of our meaning in that matter; to the end that they, being at a point in that question, may with the greater expedition, conclude such special things, as are necessary to be done before the ending of this longsome session of parl.—It is true, that ever before, and a certain space after the sitting down of this parl. we were constantly resolved, neither to think, nor, in case it had been offered unto us, any ways to have accepted a Subsidy at this time; for as in our first speech to this whole parl. we declared, how unwilling we should ever be to be a burden to our people; so thought we it an unfit time, at our first parl. after our so happy and peaceably entry into this kingdom, with so great and general an applause, for having a Subsidy raised upon them, notwithstanding of our present great necessity; and that thorough the occasion of divers great expences, whereunto we were driven at our first entry here: but after the assembling of this parl. we were so often dealt with and informed by divers members of that house, that were otherwise strangers to our affairs, that it was a thing both honourable and reasonable, that a Subsidy should be granted unto us; that both our necessity required it, and the people in their love were

* This lord visc. Montague was grandson to the lord of that name, who spoke so boldly for the Romish religion in the beginning of the last reign. See Dugdale's Bar. vol. ii. See also p. 686 of the present volume.

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ready to offer it unto us; that it was ever the form of all kings of England, to have a Subsidy given them at the very first assembling of their first parl.; that as it was honourable for us to receive it (being an earnest-penny of the people's love toward us) so would it be a thing nothing prejudicial nor hurtful for them to yield unto; and that there was enow in that house, that were striving amongst themselves who should be the first propounder thereof; as at the last we were moved to be contented, that some should prove the house's mind in it; only in this point were we careful, that, in case it were propounded, and put to a question, it should receive no public refusal; which could not but be dishonourable unto us, especially in the sight of all the strangers that are now here. But having now, with time, more narrowly examined both the custom in the like cases, at the first parliaments of our predecessors here, as likewise, that the last term's payment of the old great Subsidy is not yet come, so as a double burden shall appear to be laid upon the people, and yet our commodity never a hair the nearer; we have hereupon concluded with ourself, to resort to our former determination: and therefore it is our express will, that ye shall, in our name, signify to our said House of Commons, that we desire them, at this time, not to meddle any further with that question; assuring them, in the word of a king, that we will be so far from taking it unkindly, their not offering it unto us at this first session of this our first parl. as by the contrary we will only interpret it to proceed from the care they have, that our people should not have any occasion of distaste of us offered unto them at this time, for the reasons above-mentioned; assuring ourself, that the said house will, in their own time, be careful to see our state supplied, by such means, as may be most convenient for our weal, and least hurtful to our subjects; wherein we remit ourselves to their discreet considerations, in the due time.—*James R.*"

After the reading of this Letter, a motion was made, "That the King's Letter should be recorded in their house, for an everlasting memory of his maj.'s grace.—That all the knights of shires may take a copy of it and publish it, in their countries. And, that mr. Speaker, at the end of this session, should present thanks to his maj. in the name of the whole house, for his grace expressed in that letter."

*Grant of Tonnage and Poundage.*] This letter was, probably, the occasion of sending up another bill from the Commons, intitled, 'An Act for the assigning certain sums of money, for the defraying of the Charges of the King's Household. This bill soon passed into a law; as did also the former, for a Grant of Tonnage and Poundage, without any amendments; because the lord treasurer informed the house that the Judges being asked their opinions, about his points of exception to the said bill, they had resolved, that notwithstanding those exceptions, the bill might pass, as it then stood, without inconvenience or prejudice to his maj. The Tonnage granted this session was 3s. on every tun of Wine imported; but on a tun of sweet Wines 6s. and 1s. on every awm of Rhenish. The Poundage was 1s. on every 20s. worth of goods or merchandise, imported and exported, excepting woollen manufactures; and tin and pewter were to pay 2s. A denisen was to pay for every sack of wool 33s. 4d. and for every 240 woolfells the same; and for every last of hides and backs 3l. 6s. 8d.—See Statutes at Large, cap. 33,—These were all the supplies granted to the king this session and all that were asked by the ministry at this time.

*The Speaker's Speech at the Close of the Session.*] July 7th, the king came to the House of Lords, and, being seated on the throne, the Commons and their Speaker were sent for; who, on presenting the bills, made the following Speech to his maj.—"History, most high and mighty sovereign, is truly approved to be the Treasure of Times past, the Light of Truth, the Memory of Life, the Guide and Image of Man's present Estate, Pattern of the Things to come, and the true Work-mistress of Experience, the Mother of Knowledge; for therein, as in a crystal, there is not only presented unto our views the virtues, but the vices; the perfections, but the defects; the good, but the evil; the lives, but the death, of all precedent governors and government, which held the reins of this imperial regiment: where, although the same hath ever been managed with one idea, or form of govt. namely, by the Laws' direction, by King's rule, by Senates' advice, and by Magistrates' discipline; yet hath the same budded fruits of several kinds of sense, moving from the use or abuse of Laws' direction, from the virtue or error of King's rule, from the good or evil of Senates' advice, or from the justice or injustice of Magistrates' discipline: for as good govt. is the guide-mistress of human happiness, and tutoress of public commodity: so is ill govt. the devouring tyrant of subjects' bliss, and the venomous poisoner of commonwealth well-doing.

THE LAWS.

"The Laws, whereby the ark of this government hath been ever steered, are of three kinds; the 1st, the Common Law, grounded or drawn from the Law of God, the Law of Reason, and the Law of Nature, not mutable; the 2nd, the positive Law, founded, changed, and altered by and through the occasions and policies of times; the 3rd, Customs and Usages, practised and allowed with time's approbation, without known beginnings; wherein although we differ from the laws of other states' government, yet have the authors thereof imitated the approved excellency of Plato and Aristotle, framing their laws according to the capacity, nature, disposition, and humour of the place and people; by the level of whose line this state hath been commanded, governed, supported, and maintained these *** years, not inferior, but in equal balance, with any confining regiment whatsoever; and have, by the touchstone of

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true experience, approved to be to the king his sceptre, to the senate the oracle of counsel, to the judge the rule of justice, to the magistrate the guide of discipline, to the subject the school-mistress of obedience, to the multitude the preventor of ignorance, the standard-bearer of sedition, and, generally to all, the bond, that tieth men to civil and orderly course of life. Finally, laws are only dials of true direction; direction the weapons of govt.; govt. the armour of peace; and peace, the true perfection of all worldly happiness: but contrarywise, no laws, no direction; no direction, no govt.; no govt. no peace; no peace, utter destruction; for, 'sine imperio,' neither house, neither city, neither nation, neither mankind, nor the nature of things, 'nec ipse mundus stare potest.' And yet the good or ill, both of laws, and of each worldly thing, consisteth in the use or abuse of the same; as, if well used, it yieldeth the sweet of his true property; but, if abused, that sweet is turned to sour; or, if not used, loseth his virtue: as, amongst earthly things, food hath his precedency; for, being well used, it maintaineth and supporteth the life and nature of man; but abusedly taken, by surfeit destroyeth the body; or if not used, remaineth fruitless; so the laws, if well disposed, are the stern, that wieldeth the ark of civil govt.; but perverted, become the instruments of destruction; or not executed, become 'corpus sine anima;' and therefore are to receive either life, or death, by the good or ill of the king's rule, the senates advice, and the magistrates discipline. As concerning the bliss or bane of kings govt. which in itself, and of itself, representeth a divine maj. it consisteth in two general parts; the one, example, the other, command: for as, from below, we receive either light or darkness from above, so doth the subject from the prince's example receive either his virtue, or his vice; and experience approveth, that the estate of commonwealths changeth with the alteration of princes precedent. And therefore the errors of princes are not hurtful in themselves, as are their erroneous examples; whereby their people become infected: for it hath, and ever will be approved true, that subjects, by imitation of their princes example, for the most part become like unto themselves; for the excellent splendor of the king's virtue doth not only incite all subjects to behold them, but exceeding admiration and imitation to love them, and, by loving, to observe them. And therefore the virtue of Vespasianus' example wrought more effectual good amongst his people, than his laws: for 'obsequium in principes et æmulandi amor,' are, of all other, most excellent tractives to the good or ill of subjects course of life; and therefore the more curiously and respective ought they to be in their acts and actions, as the leading stars of the people's direction. The other resteth in his absolute power of command: for although the law may direct, the senate advise, and the magistrate execute; yet to determine and command is proper to the king himself: and therefore his commands ought to be religious, for he therein becometh the president of many millions of souls; they ought to be just, for he sitteth in the judgment seat of the absolute king of justice; they ought to be tempered with mercy, for he representeth the divine image of mercy; they ought to be mild, for he is the father and the subjects his children; they ought to be preservative, and not devouring, for he is the shepherd, and they the flock; they ought rather to prevent the cause of offence, than punish the offender, for one is much more honourable than the other; they ought to be warranted by law, for both by office and oath he is bound to his law; they ought to proceed from reason, for thereby he is reverenced as a God amongst men; they ought to be prudent, for that makes him deified with fame and renown. Lycurgus never commanded ought to be done, that himself would not do; which made him honoured, reverenced, and obeyed; but Sylla commanding sobriety, temperance, and frugality, himself practising the contrary, was both contemned and scorned: and therefore the king ought to patronize his command by his actions. Themistocles demanded, whether he were a good poet, that in singing would transgress the true rules of musick? Being answered, No; replied, no more is that king, that commands without his law. Theopompus being asked, why Lacedemon did so flourish; answered, because their king knew how to command: and commandments, justly commanded, exact performance; but things, unduly required, do breed mislike, and sometimes enforce refusal. Claudian therefore concludeth, 'Peragat tranquilla potestas, quod violenta nequiet; mandataque fortius urget imperiosa quies:' and more gracious is the name of piety, than of power. To conclude, princes, by the perfection of their examples, and by the virtue of their just commands, become to God acceptable, to the world renowned, to their people beloved, to all men with reverence admired, and in the end with glory immortalized: but if their commands be unjust, unmerciful, cruel, devouring, lawless, unreasonable, and imprudent, he loseth the glorious title of a good king, and becometh eternized with the deathless fame of an hellish tyrant; which all good kings ought to eschew, as the devouring devil of their fame, renown, and eternity.—The third place in the commonwealth hath the senate: for no king can, with his diligence and only wisdom, equally govern the whole estate; for it is rather the virtue of God, than man, effectually to know all things appertaining to government: and therefore, as it is necessary for a prince to see with his own eyes, to hear with his own ears, and to direct by the dial of his own judgment; so is it requisite for a prince to have many eyes, many ears, many tongues, many hands, many feet, and many wits, to see, to hear, to dispatch, to inform,

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and advise, for, in, and concerning the public state, as preparatives to his commanding judgment, and preservatives against the common evil. Romulus therefore refused to undergo the burden of government alone, but chose unto himself a hundred senators. Trajanus called his senate his father; for as the father doth foretel his son of the good or ill that may befall him, so ought the senate to admonish the king of things profitable, and unprofitable, to him and the state. The senate therefore ought to know the law, the liberties, the customs, the use, and discipline, wherewith the state is governed; they ought not only to know the means, whereby the state may be beautified, amplified, and preserved, but also how the same may be weakened, impeached, or subverted; they ought also to know, what is the majesty, prerogative, greatness, and jurisdiction of a king, and what is the due right and liberty of subjects; for they are the mean, and judges between force and fear, liberty and servitude, the king and his people. A counsellor ought therefore to be temperate, not passionate in his affections; moderate, not transported with appetites; mortified by years, not inveigled by youth; grave in his behaviour, not light in his condition; justly wise in his advice, not crafty in his counsel; virtuous in his conversation, not vicious in his disposition: a counsellor thus complete, is to the king a watchful tower, to the law a graceful ornament, to government an absolute guide, and to the people a beloved oracle; but if he be passionate in his affections, transported in his appetites, inveigled by his youth, light in his condition, crafty in his counsel, and vicious in his disposition; then becometh he to the king a regardless and watchless tower, to the law a disgraceful blemish, to the government a blind dissolute guide, and to the people a contemned fabulous deceiver.—The next and immediate subsequent place in the commonwealth hath the magistrate; for in vain is the laws direction, the king's command, and the senate's advice, if not by the magistrate's discipline executed: for laws, command, and advice receive not their authority, when they are enacted, given, or advised, but when they are executed; not when they are enacted, but when they are observed; and therefore the commonwealth doth put upon the magistrate the person of severity, to execute the laws direction, prince's command, and the senate's advice. The Roman magistrate therefore said, my mother hath brought me into the world of mild and gentle disposition, 'Sed respublica me severum fecit:' for laws are delivered to the magistrates, as a sword, to cut off the reins of licentious liberty; but if the magistrate keep it sheathed or rusty, is there any that will dread the correction of so sheathed or rusty a weapon? 2ndly, laws are ordained as rules or lines of men's lives; but if the magistrate, through fear or pity, shall bend them to and fro, is there any man that will regard so leaden a rule? 3rdly, laws are established as walls, or forts, or defence against disorder; but if the magistrate shall suffer them to melt with favour, or rend asunder with corruption, will not all men contemn such walls of wax, or forts of cobwebs? The memory of Nerva his example approveth it; who, through too tender a conceit of pity, was noted oversparing in punishment of the people's insolencies; but in the end, his city thereby grew into such contempt, both of his person and government, that of him it was said, That better it were for all good men to live under the government of Domitian, under whom nothing was lawful, than under Nerva, where all things were lawful. And therefore the magistrate ought to be 'sciens, justus, et fortis;' first, to know what he is to execute; 2ndly, to be just in his execution; and 3rdly, not to fear the face of any, in that he ought to execute; for he is the living law, and the law of the dumb magistrate: and nothing is more pernicious in the commonwealth, than an ignorant, unjust, and timorous magistrate. To conclude, as the end of the sailor's endeavour is good passage, the physician's travel, health, the captain's labour, victory; so the well disciplining of the people ought to be the magistrate's true endeavour; which if he regardfully perform, then becometh he a good pilot, a provident physician, a victorious captain, and a just well-deserving magistrate; but if he be ignorant, remiss, timorous, unjust, or corrupt; then is he to the life of the law a deathful murtherer, to the soul of the king's justice a betraying teacher, to the virtue of senates advice a deceiving evil, and to the body of the commonwealth a devouring wolf.—A people, by the direction of such laws, by the grace, wisdom, and justice of such a king, by the advice of such a senate, and by the discipline of such magistrates, governed, if not then loyal and obedient, are rather the whelps of wolves, than sons of men; rather monsters of nature, than creatures of reason; nay, more devils in condition, than professors of religion: from the corruption of which error your majesty shall ever approve us to be as free, as virtue is from vice. And though, during the time of these our parliament counsels, we have, through the warrant of our long continued privilege, your gracious approbation thereof, your patience in hearing, your wisdom in discerning, your justice in adjudging, and your clemency in relieving, presumed of you, as of our king, but more of you, as of our good king, nay most of all of you, as a most absolute good man, to propound, dispute, assent, and disassent, freely; to implore your royal protection of our long-continued liberties, your gracious relieving of our burdens (not by authority imposed, but by the corruption of base officers extorted) and your discerning consideration of our feared dangers; wherein although we have proceeded without flattery or cowardice (the one never being a true counsellor, nor the other a good subject) yet hath the same been without hearts or minds thought, either

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to distaste your gracious pleasure, or to detract ought, that in right, honour, or prerogative, yourself in your great wisdom should affect as good: for your glory is, and must be, our honour, your greatness our protection, your abundance our riches, your safety our security, your content our joy; otherwise were we worthily unworthy of the blessings of the religion, of the peace, of the safety, of the grace, and, generally, of all the fruits of happiness, which by you, from you, and under you, we do, and hope ever to possess. And as out of your princely grace you pleased (to our exceeding hearts comfort) to say, that you more joyed to be king of such subjects, than to be king over many kingdoms; so do we, with true zeal and faith, protest more to joy in being the subjects of such a king, than in the freedom of any liberty, which we shall ever with our hearts life blood endeavour to approve against all opposers and opposition: and as God let him endure the torment of ever dying death, that otherwise shall in mind conceit, or in heart consent; so let him live hatefully to God and man, that shall endeavour, or occasion in the least, to impeach and violate so royal and loyal a conjunction between a head so absolutely peerless, and a body so faithfully loyal. And although your maj. more seeking to enrich your treasure with the hearts and minds of us your subjects, than with the money and treasure of our purses, have lately, out of your abundant grace, prevented our concluding to present you with a Subsidy of crowns and coin, being but a blossom of the fruitful ever-bearing tree of our abundant love, loyalty, and duty (which we sooner shall leave to live, than leave unperformed) yet give us leave, (of all other most worthy to be beloved sovereign) not only to present you with our humble and dutiful thanks, but also to present you with five Subsidies, of far more precious price and worth: 1. The first consisting of many millions of affectionated hearts to love you; 2. Of number of loyal minds to obey you; 3. Of as many zealous spirits to pray for you; 4. Of as equal proportioned hands to fight for you; 5. And with the treasure of the whole kingdom to supply you; which the world shall both feel and know, when, where, and against whom whatsoever, your maj. shall be pleased to dispose and command us. This we profess, protest, and present, neither out of servile fear, nor base flattery, both hateful to a king so absolute, wise, magnanimous, and gracious; but out of our endless loves, duties, and loyalties, whereunto death only, and nought else but death, shall be of force to give end."

There is no speech of the king, or the lord chancellor, entered, for this time, in either Journal; and no more is said in the Lords' than that the lord chancellor, by the king's command, prorogued this parl. to the 7th of Feb. next ensuing.

Notwithstanding the great affair of the Union was still obstructed, though the king laboured hard to bring it about; yet, by the advice of his council, he was this year proclaimed King of Great Britain, France, and Ireland, that the names of England and Scotland might from henceforth be extinct. Scottish coins were made current, and the arms of both kingdoms quartered on all standards, military and civil, throughout both the nations. Peace was also proclaimed here between England and Spain, on the 5th of August, 1604.

*The Gunpowder Plot discovered.*] Feb. 7, 1605. Parl. met, according to prorogation, and were prorogued by commission, to the 3rd of Oct. At which time they were again prorogued, in the same manner, to the 5th of Nov. following, and on that day to the 9th of the said month. During which last-mentioned periods was discovered the deepest and blackest Plot that ever was laid against king and kingdom. The reader will presently comprehend, that the infamous Gunpowder Plot is here meant; the account of which is so amply given by all our English Historians. In the Journals of the Commons, Nov. 5, we find this entry. "This last night the Upper House of parl. was searched by sir Thomas Knevett; and one Johnston, servant to mr. Thomas Percye, was there apprehended, who had placed 36 barrels of gunpowder in the vault under the house, with a purpose to blow up the king and the whole company, when they should there assemble. Afterwards, divers other gentlemen were discovered to be of the Plot."

The Lords' Journals tell us, "That on the 9th of Nov. the house being met, and the king seated on the throne, the Lord Chancellor opened the session with giving some account of what had passed between the commissioners of England and Scotland, at their late meeting, according to an act made for that purpose last session of parl. Afterwards, he presented to his maj. and the house two Copies of the Tripartite Writings agreed on, one of which was delivered openly to the clerk of parl. to be kept in his custody till a farther proceeding in that business. He then made a Relation of the most wicked and horrible Treason ever heard of, intended against his maj. and the whole state; which was purposed to have been put in execution on Tuesday, the 5th inst. the first day of this session, holden by prorogation." The lord chancellor having ended, the King began to tell the house, that he came there, at this time, (contrary to the custom of any of his predecessors, at the beginning of any session of parl. holden by prorogation) on purpose to receive the Writing, which had just then been delivered in; that no stop might be put to that proceeding. Afterwards his maj. made an ample declaration to both houses, of the late most horrible Treason, in the following Speech from the Throne*:

* This Speech is taken from a book entitled, 'A Discourse of the Manner of the Discovery of this late intended Treason, joined

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*The King's Speech upon that Occasion.*] "My lords spiritual and temporal, and you the knights and burgesses of this parl.; it was far from my thoughts, till very lately before my coming to this place, that this subject should have been ministered unto me, whereupon I am now to speak. But now it so falleth out, that whereas, in the preceding session of this parl. the principal occasion of my speech was, to thank and congratulate all you of this house, and in you all the whole commonwealth (as being the representative body of the state) for your so willing, and loving, receiving and embracing of me in that place, which God and nature, by descent of blood, had in his own time provided for me: so now my subject is, to speak of a far greater thanksgiving than before I gave to you, being to a far greater person, which is to God, for the great and miraculous delivery he hath at this time granted to me, and to you all, and consequently to the whole body of this estate. I must therefore begin with this old and most approved sentence in divinity, '*Misericordia Dei supra omnia opera ejus.*' For Almighty God did not furnish so great matter to his glory by the creation of this great world as he did by the redemption of the same. Neither did his generation of the little world, in our old and first Adam, so much set forth the praises of God in his justice and mercy, as did our regeneration in the last and second Adam. And now I must crave a little pardon of you (that since kings are in the word of God itself called gods, as being his lieutenants and vicegerents on earth, and so adorned and furnished with some sparkles of the divinity;) to compare some of the works of God, the great king, towards the whole and general world, to some of his works towards me, and this little world of my dominions, compassed and severed by the sea from the rest of the earth. For as God, for the just punishment of the first great sins in the original world, when the sons of God went in unto the daughters of men, and the cup of their iniquities of all sorts was filled, and heaped up to the full, did, by a general deluge and overflowing of waters, baptize the world to a general destruction, but not to general purgation: (only excepted Noah and his family, who did repent and believe the threatenings of God's judgment;) so now, when the world shall wax old as a garment, and that all the impieties and sins that can be devised against both the first and second table, have, and shall be committed to the full measure; God is to punish the world the second time by fire, to the general destruction and not purgation thereof. And, as it was done in the former to Noah and his family by the waters, so shall all we that believe be likewise purged, and not destroyed by fire. In the like sort, I say, I may justly compare these two great and fearful doomsdays, wherewith God threatened to destroy me, and all you of this little world that have interest in me. For although I confess, as all mankind, so chiefly kings, as being in the higher places, like the high trees, or stayest mountains, and steepest rocks, are most subject to the daily tempests of innumerable dangers; and I, amongst all other kings, have ever been subject unto them, not only ever since my birth, but even, as I may justly say, before my birth, and while I was yet in my mother's belly; yet have I been exposed to two more special and greater dangers than all the rest. The first of them, in the kingdom where I was born, and passed the first part of my life; and the last of them here, which is the greatest. In the former I should have been baptized in blood, and in my destruction, not only the kingdom wherein I then was, but ye also by your future interest, should have tasted of my ruin. Yet it pleased God to deliver me, as it were, from the very brink of death, from the point of the dagger, and so purge me by my thankful acknowledgment of so great a benefit. But in this which did so lately fall out, and which destruction was prepared not for me alone, but for you all that are here present, and wherein no rank, age, or sex should have been spared: this was not a crying sin of blood as the former; but it may well be called a roaring, nay, a thundering sin of fire and brimstone, from the which God hath so miraculously delivered us all. What can I speak of this, I know not: nay, rather what can I not speak of it? And therefore I must for horror say with the poet; '*vox faucibus hæret.*' In this great and horrible attempt, whereof the like was never either heard or read, I observe three wonderful, or rather miraculous events. 1st, in the cruelty of the plot itself; wherein cannot be enough admired the horrible and fearful cruelty of their device, which was not only for the destruction of my person, nor of my wife and posterity only, but of the whole body of the state in general; wherein should neither have been spared, or distinction made, of young nor of old, of great nor of small, of man nor of woman: the whole nobility; the whole reverend clergy, bishops, and most part of the good preachers; the most part of the knights and gentry; yea, and if that any in this society were favourers of their profession, they should all have gone one way: the whole judges of the land, with most of the lawyers and the whole clerks; and as the wretch himself that is in the Tower doth confess, it was purposely devised by them, and concluded to be done in this house: that where the cruel laws (as they say) were made against their religion, both place and persons should all be destroyed and blown up at once. And then consider therewithal the cruel sort of that practice: for by three different sorts in general may mankind be put to death. The 1st, by other men, and reasonable creatures, which

with the Examination of some of the Prisoners.' (Imprinted at London, by Robert Barker, printer to the king's most excellent maj. anno 1605.) And is compared by the Lords' Journals.

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is least cruel; for then both defence of men against men may be expected; and likewise who knoweth what pity God may stir up in the hearts of the actors at the very instant? Besides the many ways and means whereby men may escape in such a present fury. And the 2nd way more cruel than that, is by animal and unreasonable creatures: for as they have less pity than men, so it is a greater horror, and more unnatural for men to deal with them; but yet with them both resistance may avail, and also some pity may be had, as was in the lions, in whose den Daniel was thrown; or that thankful lion that had the Roman slave in his mercy. But the 3rd, the most cruel and unmerciful of all, is the destruction by insensible and inanimate things; and amongst them all, the most cruel are the two elements of water and fire; and of those two the fire most raging and merciless. 2ndly, how wonderful it is when you shall think upon the small, or rather no ground, whereupon the practisers were enticed to invent this tragedy. For if these conspirators had only been bankrupt persons, or discontented upon occasion of any disgrace done unto them; this might have seemed to have been but a work of revenge. But for my own part, as I scarcely ever knew any of them; so cannot they alledge so much as a pretended cause of grief: and the wretch himself, in bands, doth confess, that there was no cause moving him or them, but meerly and only religion. And specially, that christian men, at least so called, Englishmen, born within the country, and one of the specials of them, my sworn servant in an hon. place, should practice the destruction of their king, his posterity, their country and all; wherein their following obstinacy is so joined to their former malice, as the fellow himself that is in hand, cannot be moved to discover any signs or notes of repentance; except this, that he doth yet stand to avow, that he repents only for not being able to perform his intent. 3rdly, The discovery hereof is not a little wonderful, which would be thought the more miraculous by you all, if you were as well acquainted with my natural disposition, as those are who be near about me. For as I ever did hold suspicion to be the sickness of a tyrant; so was I so far upon the other extremity, as I rather contemned all advertisements, or apprehensions of practices. And yet now, at this time, was I so far contrary to myself, as when the letter was shewed to me by my secretary, wherein a general, obscure advertisement was given of some dangerous blow at this time; I did upon the instant interpret and apprehend some dark phrases therein, contrary to the ordinary grammar-construction of them, (and in another sort than I am sure any divine, or lawyer in any university would have taken them) to be meant by this horrible form of blowing us up all by powder; and thereupon ordered that search to be made, whereby the matter was discovered, and the man apprehended: whereas if I had apprehended or interpreted it to any other sort of danger, no worldly provision or prevention could have made us escape our utter destruction! and in that case, there was a wonderful providence of God, that when the party himself was taken, he was but new come out of his house from working, having his fire-work for kindling ready in his pocket; wherewith, as he confesseth, if he had been taken but immediately before, when he was in the house, he was resolved to have blown up himself with his takers. One thing, for my own part have I cause to thank God in; that if God, for our sins, had suffered their wicked intents to have prevailed, it should never have been spoken nor written in ages succeeding, that I had died ingloriously in an ale-house, a stews, or such vile place; but mine end should have been with the most honourable and best company, and in that most honourable and fittest place for a king to be in, for doing the turns most proper to his office: and the more have we all cause to thank and magnify God for this his merciful delivery. And specially I for my part, that he hath given me yet once leave, whatsoever should come of me hereafter, to assemble you in this honourable place; and here in this place, where our general destruction should have been, to magnify and praise him for our general delivery; that I may justly now say of mine enemies and yours, as David doth often say in the Psalms, 'Inciderunt in foveam, quam fecerunt.' And since Scipio an Ethnick, led by the light of nature, that day when he was accused by the tribunes of the people of Rome, for mispending and wasting in his Punic wars the city's treasure, even upon the sudden brake out with that diversion of them from that matter, calling them to remembrance how that day was the day of the year, wherein God hath given them so great a victory against Hannibal; and therefore it was fitter for them all, leaving other matters to run to the temple to praise God for that so great delivery, which the people did all follow with one applause: how much more cause have we, that are christians, to bestow this time in this place for thanksgiving to God for his great mercy, though we had had no other errand of assembling here at this time; wherein if I have spoken more like a divine, than would seem to belong to this place, the matter itself must plead for mine excuse: for being here come to thank God for a divine work of his mercy; how can I speak of this deliverance of us from so hellish a practice, so well, as in language of divinity, which is the direct opposite to so damnable an intention? And therefore may I justly end this purpose, as I did begin it with this sentence, The mercy of God is above all his works. It resteth now, that I should inform you what is to be done hereafter, upon the occasion of this horrible and strange accident. As for your part, that are my faithful and loving subjects of all degrees, I know that your hearts are so burnt up with zeal in this errand, and your tongues so ready to utter

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your dutiful affections, and your hands and feet so bent to concur in the execution thereof, (for which as I need not to spur you, so can I not but praise you for the same) as it may very well be possible, that the zeal of your hearts shall make some of you in your speeches, rashly to blame such as may be innocent of this attempt. But upon the other part I wish you to consider, that I would be sorry that any being innocent of this practice, either domestical or foreign, should receive blame or harm for the same. For although it cannot be denied, that it was the only blind superstition of their errors in religion, that led them to this desperate device, yet doth it not follow, that all professing that Romish religion were guilty of the same. For as it is true, that no other sect of heretics, not excepting Turk, Jew, nor Pagan, no not even those of Calicute who adore the devil, did ever maintain by the grounds of their religion, that it was lawful, or rather meritorious (as the Romish catholics call it) to murder princes or people for quarrel of religion. And although particular men of all professions of religion have been some thieves, some murtherers, some traitors; yet ever when they came to their end and just punishment, they confessed their fault to be in their nature, and not in their profession: (these Romish catholics only excepted) yet it is true on the other side, that many honest men blinded, peradventure, with some opinions of popery, as if they be not found in the questions of the real presence, or in the number of the sacraments, or some such school question; yet do they either not know, or at least, not believe all the true grounds of popery, which is indeed, the mystery of iniquity. And therefore do we justly confess, that many papists, especially our fore-fathers, laying their only trust upon Christ and his merits at their last breath, may be, and oftentimes are saved; detesting in that point, and thinking the cruelty of puritans worthy of fire, that will admit no salvation to any papist. I therefore thus do conclude this point; that as upon the one part many honest men, seduced with some errors of popery, may yet remain good and faithful subjects: so upon the other part, none of those that truly know and believe the whole grounds, and school conclusions of their doctrine, can ever prove either good christians, or faithful subjects. And for the part of foreign princes and states, I may so much the more acquit them and their ministers, of their knowledge and consent to any such villainy; as I may justly say, that in that point I better know all christian kings by myself, that no king nor prince of honour will ever abase himself so much, as to think a good thought of so base and dishonourable a treachery: wishing you therefore, that as God hath given me an happy peace and amity, with all other christian princes my neighbours; (as was even now very gravely told you by my lord chanc.) that so you will reverently judge and speak of them in this case. And for my part I would wish with those ancient philosophers, that there were a chrystal window in my breast, wherein all my people might see the secretest thoughts of my heart; for then might you all see no alteration in my mind for this accident, further than in those two points. The 1st, caution and weariness in govt. to discover and search out the mysteries of this wickedness as far as may be: the other, after due trial, severity of punishment upon those that may be found guilty of so detestable and unheard-of villainy. And now in this matter, if I have troubled your ears with an abrupt speech, undigested in any good method or order; you have to consider that an abrupt, and unadvised speech doth best become the relation of so abrupt and unorderly an accident. And although I have ordained proroguing of this parl. until after Christmas, upon two necessary respects: whereof the first is, that neither I nor my council can have leisure, at this time, both to take order, for the apprehension and trial of these conspirators, and also to wait upon the daily affairs of the parl. as the council must do: and the other reason is, the necessity, at this time, of divers of your presences in your shires that have charges or commandments there. For as these wretches thought to have blown up in a manner the whole world of this island; every man being now come up here, either for public causes of parl. or else for their own private causes in law, or otherwise: so these rebels that now wander through the country, could never have gotten so fit a time of safety in their passage, or whatsoever unlawful actions, as now when the country by the foresaid occasion is in a manner left desolate, and waste unto them. Besides that, it may be that I shall desire you at your next session, to take upon you the judgment of this crime: for as so extraordinary a fact deserves extraordinary judgment: so can there not I think (following even their own rule) be a fitter judgment for them, than they should be measured with the same measure wherewith they thought to measure us; and that the same place and persons, whom they thought to destroy, should be the just avengers of their so unnatural a parricide: yet not knowing that I will have occasion to meet with you, myself, in this place, at the beginning of the next session of this parl.; (because if it had not been for delivering of the articles agreed upon by the commissioners of the union, which was thought most convenient to be done in my presence, where both head and members of the parl. were met together, my presence had not otherwise been requisite here at this time) I have therefore thought good for conclusion of this meeting, to discourse to you somewhat anent the true nature and definition of a parl.; which I will remit to your memories, till your next sitting down, that you may then make use of it as occasion shall be ministered. For albeit, it be true, that at the first session of my



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first parl. which was not long after mine entry into this kingdom; it could not become me to inform you of any thing belonging to law or state here; (for all knowledge must either be infused or acquired, and seeing the former sort thereof is now, with prophesie, ceased in the world; it could not be possible for me, at my first entry here, before experience had taught it me, to be able to understand the particular mysteries of this state) yet now that I have reigned almost three years amongst you, and have been careful to observe those things that belong to the office of a king; albeit, that time be but a short time for experience in others; yet in a king may be thought a reasonable long time, especially in me, who although I be but in a manner a new king here, yet have been long acquainted with the office of a king in such another kingdom, as doth nearest of all others agree with the laws and customs of this state. Remitting to your consideration, to judge of that which hath been concluded by the commissioners of the union, wherein I am at this time to signify unto you, that as I can bear witness to the foresaid commissioners, that they have not agreed nor concluded therein any thing, wherein they have not foreseen as well the weal and commodity of the one country, as of the other; so can they all bear me record, that I was so far from pressing them to agree to any thing, which might bring with it any prejudice to this people; as by the contrary I did ever admonish them, never to conclude upon any such union, as might carry hurt or grudge with it to either of the said nations: for the leaving of any such thing, could not but be the greatest hindrance that might be to such an action, which God by the laws of nature had provided to be in his own time, and hath now in effect perfected in my person; to which purpose my lord chancellor hath better spoken, than I am able to relate.—And as to the nature of this high court of parl. it is nothing else but the king's great council; which the king doth assemble either upon occasion of interpreting, or abrogating old laws, or making of new, according as ill manners shall deserve, or for the public punishment of notorious evildoers, or the praise and reward of the virtuous and well-deservers; wherein these four things are to be considered: 1st, whereof this court is composed: 2ndly, what matters are proper for it: 3rdly, to what end it is ordained. And 4thly, what are the means and ways whereby this end should be brought to pass.—As for the thing itself, it is composed of a head and a body: the head is the king, the body are the members of the parl. This body again is subdivided into two parts; the upper and lower house: the upper compounded partly of nobility, temporal men, who are heretable counsellors to the high court of parl. by the honour of their creation and lands: and partly of bps. spiritual men, who are likewise by the virtue of their place and dignity counsellors, life-renters, or 'ad vitam' of this court. The other house is composed of knights of the shire; and gentry, and burgesses for the towns. But because the number would be infinite for all the gentlemen and burgesses to be present at every parl. therefore a certain number is selected and chosen out of that great body, serving only for that parl. where their persons are the representation of that body.—Now the matters whereof they are to treat ought therefore to be general, and rather of such matters as cannot well be performed without the assembling of that general body; and no more of these generals neither, than necessity shall require: for as 'in corruptissima republica sunt plurimæ leges:' so doth the life and strength of the law consist not in heaping up infinite and confused numbers of laws, but in the right interpretation and good execution of good and wholesome laws. If this be so then, neither is this a place on the one side, for every rash and harebrained fellow to propone new laws of his own invention: nay rather could I wish these busy heads to remember that law of the Lacedemonians, that whosoever came to propone a new law to the people, behoved publicly to present himself with a rope about his neck, that in case the law were not allowed, he should be hanged therewith. So wary should men be of proponing novelties, but most of all not to propone any bitter or seditious laws, which can produce nothing but grudges and discontentment between the prince and his people: nor yet is it on the other side, a convenient place for private men under the colour of general laws, to propone nothing but their own particular gain, either to the hurt of their private neighbours, or to the hurt of the whole state in general; which many times, under fair and pleasing titles, are smoothly passed over, and so by stealth procured, without consideration that the private meaning of them tendeth to nothing but either to the wreck of a particular party, or else under colour of public benefit to pill the poor people, and serve as it were for a general impost upon them for filling the purses of some private persons.—And so the end for which the parl. is ordained, being only for the advancement of God's glory, and the establishment and wealth of the king and his people: it is no place then for particular men to utter there their private conceits, nor for satisfaction of their curiosities, and least of all to make shew of their eloquence by tyning the time with long studied and eloquent orations. No, the reverence of God, their king, and their country being well settled in their hearts, will make them ashamed of such toys; and remember that they are there as sworn counsellors to their king, to give their best advice for the furtherance of his service, and the flourishing weal of his estate.—And lastly, if you will rightly consider the means and ways how to bring all your labours to a good end; you must remember, that you are here assembled by your lawful king to give him your best advices, in the matters proposed by him unto you, being of that nature, which I have already told, wherein you are gravely to deliberate, and, upon your consciences, plainly to determine how far those

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things propounded do agree with the weal, both of your king and of your country, whose weals cannot be seperated. And as for myself, the world shall ever bear me witness, that I never shall propone any thing unto you, which shall not as well tend to the weal publick, as to any benefit for me: so shall I ever oppone myself to that, which may not tend to the good of the commonwealth, for the which I am ordained, as I have often said. And as you are to give your advice in such things as shall by your king be proposed: so is it on your part your duties to propone any thing that you can, after mature deliberation, judge to be needful, either for those ends already spoken of, or otherwise for the discovery of any latent evil in the kingdom, which peradventure may not have come to the king's ear. If this then ought to be your grave manner of proceeding in this place, men should be ashamed to make shew of the quickness of their wits here, either in taunting, scoffing, or detracting the prince or state in any point, or yet in breaking jests upon their fellows, for which the ordinaries or alehouses are fitter places, than this honourable and high court of parl. In conclusion then, since you are to break up, for the reasons I have already told you, I wish such of you as have any charges in your countries, to hasten you home for the repressing of the insolencies of these rebels, and apprehension of their persons; wherein as I heartily pray to the Almighty for your prosperous success, so do I not doubt, but we shall shortly hear the good news of the same; and that you shall have an happy return, and meeting here to all our comforts."—[Here the lord chancellor spake touching the proroguing of the parl. And having done, his maj. rose again and said,]—"Since it pleased God to grant me two such notable deliverers upon one day of the week, which was Tuesday, and likewise one day of the month, which was the fifth; thereby to teach me, that as it was the same devil that still persecuted me; so it was the same God that still mightily delivered me: I thought it therefore not amiss, that the one and twentieth day of Jan. which falls to be upon Tuesday, should be the day of meeting of this next session of parl. hoping and assuring myself, that the same God, who hath now granted me and you all so gracious and notable a delivery, shall prosper all our affairs at that next session, and bring them to an happy conclusion. And now I consider God hath well provided it that the ending of this parl. hath been so long continued; for as for my own part, I never had any other intention, but only to seek so far my weal and prosperity, as might conjunctly stand with the flourishing state of the whole commonwealth, as I have often told you: so on the other part I confess, if I had been in your places at the beginning of this parl. (which was so soon after mine entry into this kingdom, wherein ye could not possibly have so perfect a knowledge of mine inclination, as experience since hath taught you) I could not but have suspected, and misinterpreted divers things; in the trying whereof, now I hope, by your experience of my behaviour and form of govt. you are well enough cleared, and resolved."

It seems as if the parl. met, at this time, only to have the forrgoing Declarations made to them, by the king and the lord chancellor; for they were instantly prorogued to the 2nd of Jan. following; and from thence to the 21st of the same month. On which last mentioned day, the Lords being met, a motion was made by the archbishop of Canterbury (Richard Bancroft,) "That a Committee might be appointed to consider the laws already in force, that tend to the preservation of Religion, his Majesty, the State and Commonweath. What defects are in the execution of them, or what new laws may be thought needful." This motion being seconded by the bp. of London, Rd. Vaughan, followed by Cecil earl of Salisbury, a Committee was immediately appointed for that purpose.

*Proceedings relative to the Popish Plot.*] The Lord Chancellor gave direction to the clerk of parl. to take special notice of the names of such Lords as should fail in their appearance this session; having no license from his maj. for their absence. This was done, no doubt, because some of the peers were then suspected to be concerned in the late Plot; and some were taken up for it afterwards, as will appear in the sequel.—A Bill was also read a first time, 'For preserving and restoring to the Crown the true and ancient Royalties appertaining to the same.' In the Commons, we find, that the business of the Popish Plot was the first thing, also, that they went upon. Jan. 21st sir George Moore made a motion, out of a deep sense of the late Conspiracy; "the like whereof, he said, never came upon the stage of the world."—Other broken hints of this speech are thus entered.—"No hour too soon for such a motion. Encouragement to papists, impunity and delay.—'Homines qui ex fraude, fallacia, mendaciis, consistere videbantur.—Tantumne religio potuit suadere malorum?'—To enter into consideration, what course may be fittest to settle the safety of the king, and prevent the danger of papistical practices."—This speech was seconded by sir Fra. Hastings; he spoke of three duties: to God, and the king, to God and ourselves. Offered four others to consideration: the Plot, the Carriage of the Plot, the Discovery, and the Deliverance.—Plot, popish, dangerous, and desperate.—Afterwards, the Solicitor General said, That a word, in time, was like apples of gold furnished with pictures of silver. That these state-monks had got a new divinity. It was lawful for them to lie, to dissemble before a magistrate, to kill an heretick.—The result of all was, "That a large Committee was appointed to consider of some course, for the timely and severe proceeding against Jesuits, Seminaries, and all other Popish Agents and Practisers; and for the preventing and suppressing all their Plots and Practices."

To go through each days proceedings in both

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Journals, would be too tedious. We shall therefore only cull out of them the most remarkable instances, and which are sufficiently historical for our purpose. The Popish Plot was the thing most at heart; and this parl. laboured to fix some indelible mark of their resentment on such an infamous intention. Several conspirators had now been taken, some others were killed in endeavouring to make their escape; and we are told by Wilson, the writer of this reign, (though it is not mentioned in the Journals) that the earl of Northumberland, Henry lord Mordaunt, and Edward lord Stourton, three popish lords, being suspected to have knowledge of this conspiracy, were all committed to the Tower. One great cause of the suspicion, was, their not coming to parl. according to summons; but, nothing more being proved against them, after some imprisonment, the two barons were redeemed, by fine in the Star-Chamber; but the earl continued a prisoner there for many years after.

These were all the noblemen that were suspected; as for the inferior sort, they were tried and condemned at common law: but before their execution was awarded, the parl. thinking the ordinary punishment too light for the offence, the Lords appointed a Committee to consider what punishments extraordinary were fit to be ordained for these offenders. They had made some progress in this matter, when the abp. of Canterbury, the first of the said committee, though it was an affair of blood, reported to the house, "That having asked the opinion of the lord chief justice of England in that matter; and being informed by him that the execution of the said traitors might not conveniently be deferred, the committee had forborne any further proceeding therein."

The Commons were no less anxious: for on the 24th of Jan. sir Thomas Holcroft put the house in mind, "That Richard II. built a wooden house, and there the king and parl. sat when offenders were judged. This tended to have the miners, in the late Plot, tried in the same manner; which, he said, was not without precedent; and therefore desired that the king might be petitioned about it."—Sir R. Wingfield moved for "a form of punishment equal to the greatness of the fact. He said, the Scripture had examples of extraordinary punishments for extraordinary offences. And moved, That a short act might be made for the punishment of the miners; and some extraordinary punishment set down in it. But no petition to the king about it, for he was so compounded of mercy and pity, that he will deny it."—Sir Robert Higham argued against these motions; and said, "That the common law should have its proceeding first, and then this court might add a confirmation of it."—Mr. Fuller, on the same side, moved, "That all the house might be present and hear the arraignment; and that, afterwards, a law might be made for the punishment, the judgment being respited."—The Speaker said, "That those who were already dead were to be attainted by the house, and evidence against them given at the bar; for the rest a confirmation of the attainders was sufficient."—Mr. Wiseman moved, That the house might be present at the trials, and places provided for them; and that judgment should be respited; afterwards, they might think of a judgment in the house, their consciences being informed by the hearing.—Mr. Solicitor was against petitioning for stay of judgment; and observed, "That there was no precedent when one commission and court had heard allegations, that another should interpose themselves to stop judgment."—Lastly, sir Rob. Litton told the house, "That the interest the parl. had in this affair, made them no competent judges of it."—Upon the whole, the question was put, Whether to petition the king that judgment might be stayed after trial? It was resolved in the negative.

However, to do something in the matter, the Commons framed, read, and passed a bill, and sent it up to the Lords, on the 25th of Jan. entitled, 'An Act for appointing a Thanksgiving to Almighty God, every year, on the 5th of Nov.' The messengers which brought this bill up to the Lords told them, "That the whole body of the Commons, having entered into consideration of the great blessing of God, in the happy preservation of his maj. and the state, from the late most dangerous Treason, intended to have been attempted by the instigation of jesuits, seminaries, and Romish priests; had framed and passed the said bill, in their house, as the first-fruits of their labours in this session of parl.; which they did very earnestly recommend to their lordships." The Lords returned the compliment, by reading and passing the bill in three days, without ever going into a committee upon it. And this act stands the first in the printed Statutes of this session.

Both Houses passed another bill for the 'Attainder of the Offenders in the late Treason.' The Lords next proceeded to consider the motion made by the abp. of Canterbury, on the first day of this session, concerning the laws already in force against Papists, &c. And accordingly we find, that Feb. 1st, he made a Report to the House of what had been done in that committee: and then presented a short note, containing the heads of the said laws now in being.—The next day, the Lords being informed that the Commons were upon a bill to the same purpose, and that they were ready to bring it up to their house, they sent a message to them, to desire a Conference. This proposal was accepted of, and several meetings of the committees of both houses were had about it; the result of all was, the passing two new acts, one entitled 'An Act for discovering and repressing of Popish Recusants;' and the other called, 'An Act to prevent and avoid Dangers which may grow by Popish Recusants.'

*Bill relating to Purveyance.*] We have

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some notice given us in the Lords' Journals of a Supply to be granted this session; by a message sent from the Commons to the Lords, on the 12th of Feb. importing, "That they had received signification, with much joy, by their Speaker, of his maj.'s gracious acceptation of their humble offer, in matter of Subsidies; and withal that his maj. is well pleased that consideration may be had of the grievances arising by Purveyance. They therefore proposed a Conference, by committees of both houses, to consider of these two weighty articles." This request was assented to by the Lords, and a time appointed for the Conference; but we hear no more of the Supply till near the end of this session. The other business concerning the King's Purveyors was an ancient branch of the royal prerogative, and therefore was to be tenderly dealt with. Many conferences were held about it, between the two houses; at last a bill was passed by the Commons, and sent up, intitled 'An Act for the better execution of sundry statutes touching Purveyors and Cart-Takers.' On the 2nd reading of which by the Lords, it was committed; but, on a motion of the lord treasurer, it was agreed, by that house, "That the Judges and the king's learned council, who were ordered to attend the committee, should consider before-hand of the said bill of Purveyors, for the better information of their lordships at the meeting of the committee." April 10th, the abp. of Canterbury reported from thence, that the Attorney General had made it appear to the Committee, that the bill was very defective and inconvenient; whereupon it was agreed to proceed no farther therein.—But we find that the Commons were not willing to let the matter drop so easily; for before the session was ended, they had prepared a new bill, to the same purpose as the former, which passed their house, and was sent up to the Lords. Upon this a long debate ensued; and the question being put, Whether the said second bill might, by order of the house, be admitted, the former having been rejected? It was carried in the negative; and a memorandum was entered, by order of the Lords, as a general direction for the future.

*Proceedings on the Supply.*] February 10th. The business of a Supply was moved for in the Commons, by sir Thomas Ridgeway; the broken hints of whose speech, in their Journals, may be thus connected. "He dwelt upon the blessings they enjoyed under the present govt.; and yet the king had been at great charge to sustain it: for, though we have 'pacem externam et internam;' yet the funeral of the late queen, the entrance of his present maj. into this kingdom, with that of the queen and prince, all at different times; the entertainment of foreign ambassadors; the mass of treasure which had been exhausted in Ireland; her maj.'s lying-in; the great charge of the household; with the largesses or rewards, which had been bestowed on particular persons, of both nations, had much impoverished the king's treasury.* The commonwealth was obliged to lighten this burden; as Moses said, 'How can he alone bear their strifes and incumbrances, &c.' Lastly, he added, that whatever the offer was from his subjects, the king would say 'sufficit' to it; and therefore moved, that a Committee might be immediately appointed to draw up a bill for a Supply." This motion was seconded by sir Maurice Berkley; and, afterwards by sir Edw. Montague, who begun with urging two duties; fear God and honour the King. That we owe him love, reverence, obedience, and thankfulness for his truth and justice. That the freedom of the gift ought to be equal to the greatness of the givers; and that it should be speedy and chearful. Lastly, his motion was for two Subsidies and four 15ths; two of which were to be paid at Easter, and a Subsidy at Michaelmas. Mr. Bond began with enumerating the many benefits they reaped by his maj.'s reign. That of a weak, feeble and breathless state, it was become the most opulent, rich and mighty empire of any in Christendom. That we owed 'animam deo, corpus regi,' who was 'non Subsidium tantum, sed Præsidium,' in time of peace. That they ought to fill the king's coffers first, and make him 'fidus depositorius.' Sir Wm. Strowd, sir Hen. Poole, and sir Nath. Bacon, spoke for a Supply; the last urged that some considerations ought to be had in the 15ths; fewer of these and more Subsidies granted, because Subsidies were less in value than formerly. Sir Fra. Hastings said, "That they ought to offer love for love. Therefore he was for two Subsidies and four 15ths. 'Amor civium, regi, inexpugnabile munimentum.' That peace was not hereditary; and we ought to provide beforehand. The strength of the king's hands was the hearts of his people. 'Ad omnem eventum,' to give; and that 'qui cito dat, bis dat.'" There are more short hints of arguments used for granting a Supply, by several other members; in which there were only two, sir Geo. Moore, and sir Edwin Sandys, that were for moderating the first proposal. The former said, "That 'citra et ultra,' there were bounds in all things: 'Malus miles qui imperatorem suum gemens sequitur.'" The other, urged this adage, "largire de te, fili;' give of your own, son; the poverty of the land ought to be considered, and as much eased as may be." Upon the whole a grand Committee was resolved on, and appointed to consider of a bill for a Supply, and whether it should be for two Subsidies and four 15ths, or not.

Feb. 11. The Speaker informed the house,

*The different sums of these expences are thus given us in the Commons' Journals, viz. the late queen's debts, 400,000l.; the king, queen, and prince's entrance, 10,000l.; the late queen's funeral, 20,000l.; coronation of the king and queen, 20,000l.; gifts to ambassadors, &c. 40,000l.; expences in Ireland for four years, per annum, 350,000l.

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"That he had been sent for to the king, who told him that he had been made acquainted with the proceeding of the house in regard to the Supply; and takes more joy in the manner, than if the value of ten times as much had fallen unto him by any other accident. That the king had three causes for his acceptance of it. 1. Because it is done out of love, and without demand. 2. For the concurrence in speech, and votes amongst them: 'in eodem sensu;' alike thanks for both. A dismay to the opposites. 3. For, that it was done in a more speedy manner than ever heretofore. That he would charge and change the property of his own estate; and would expose his person to danger for their good. That no man was more sensible of it, either in that house or in the commonwealth; and, lastly, desired that a committee might be named to make demands and propositions." But of more of this in the sequel.

*The King's Message relating to Abuses in Excommunication.*] Some Ecclesiastical Affairs happened in this session deserving our notice. April 1, the abp. of Canterbury acquainted the Lords, "That his maj. had given him direction to let them understand he was informed of great Abuses concerning Excommunication, granted by Ecclesiastical Officers, very often upon trivial matters. And though contempts generally, of great or less quality, be punishable by the laws of the realm, according to their several natures; yet, considering Excommunication is the greatest censure that can be given, his maj. holds the same unfit to be used but in great matters. Therefore, although his maj. doth desire that the said jurisdiction ecclesiastical may be maintained and upholden, in all respects, as is fit; yet, to remedy this inconvenience, it was his maj.'s desire that a bill might be framed for that purpose." The House immediately ordered that some of the judges, and learned civilians, should attend the abp. to consider of a project for drawing a bill concerning the said matter of Excommunication.

*The Commons propose a farther Reformation in Ecclesiastical Matters.*] April 5. A message was sent from the Commons to the Lords, to desire a conference with them touching Ecclesiastical Matters. The Answer was, "That although the Lords were willing to grant their request, yet, for that their proposition was very general, they desired to know the particulars of it, that they might be the better prepared for the conference." On which the Commons returned Answer, "That the Causes whereon they desired Conference were four, viz. 1. The Silencing of Ministers. 2. The Multiplicity of Ecclesiastical Commissions. 3. The Manners of Citations. And, 4. The Point of Excommunication." Hereupon, a great debate arising, whether they should agree to such a conference, or not? The farther resolution therein was deferred till the next day.

April 8th. An Answer was sent to the Commons, importing, "That the Lords, having deliberately considered of the Commons Message about a conference on the four Ecclesiastical points they sent them, had agreed to the same and appointed a committee accordingly." Answer was immediately returned from the Lower House, "That they gave most hearty thanks to their lordships, for having, with such alacrity, signified their consent for this conference; and that they would most readily join with them, and impart the grievances occurring in these Ecclesiastical Matters. But that they cannot give a meeting, either of this day or the next; because they had appointed other special business on those days, for his maj.'s service, which was to go upon the bill of Subsidy, and a Call of their House. Whereupon the 14th of April was appointed for that purpose."

The same day that the former Resolution was taken, the Lord Chancellor delivered a message from the king to this effect; "That his maj. having received knowledge of the discreet and respectful proceedings of their lordships, concerning the conference required by the other house, touching Matters Ecclesiastical, had commanded him to signify to them his most gracious acceptance of the same. With thanks and acknowledgment of his love and good will, to all the lords in general, for their regard to his Prerogative. And therein, as well those who were willing to yield to the conference, as those that were against it. For that his maj. did observe on either part, arguments of equal love and duty towards him, for the preservation of the said Prerogative; of which he would ever retain a grateful remembrance."

The business of the Conference between both houses was now proceeded in. Accordingly, on the 17th of April, the abp. acquainted the house that several bps. had been chosen to manage that conference; of whom, 1. Touching the Silencing of Ministers, was to be spoken to by himself. 2. Concerning the Multiplicity of Commissions, by the bishops of Winchester and Exeter. 3. Touching Citations, by the bishops of Bath and Wells, Carlisle and Ely. 4. And Excommunication, by the bishops of St. David's and Hereford. Liberty was also reserved for the abp. to speak to any points as he thought fit, as well as to that allotted to him. Whereupon, the house came to a Resolution that some answer should be made to the Commons as that day, but it was not intended or expected that they should be informed whether the Lords would join or not join in a Petition with the Lower House; but only that the bps. should speak to the four points, and leave the other, of Petition, to be determined by the whole house, with reserve, still of reply to any of the points aforesaid. We are left in the dark as to what was done or said at these Conferences, which were several; only, that the bps. who were managers, made their Report to the house, that they had debated the four points; and the whole result was, that a bill was brought in and passed into

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a law, touching a Restraint of Excommunications in Ecclesiastical Courts. This had been proposed by the abp. of Canterbury to the Lords, at the king's desire, as before taken notice of: but as to the other three points of Reformation, on which the Commons had desired a Conference, nothing was done about them.

April 12th. A bill for granting of three entire Subsidies and six 15ths, was read a first time by the Commons. It laid a good while after this; and, in the mean time, all manner of Grievances was diligently sought for to be first redressed; insomuch that the king said, 'They had sent an oyes through the nation to find them.' On the third reading, May 9th, a debate arose, begun by sir Anthony Cope, Whether the list of Grievances ought not to be first read? And a capitulation with the king about them. A special order was also entered, That the Subsidy-bill should not go up till the Grievances were ready to be presented to the king. Much dispute, say the Journals, was, whether a question should be made for the reading of the Subsidy-bill; but thought to be without precedent, and a very tender question; therefore forborn; and, the house being at last satisfied in respect to the prior order, the bill was read a third time and passed. On the 15th, it was sent up to the Lords by mr. secretary Herbert, attended by every member of the house, not one man left but the Speaker, clerk, and serjeant. A thing, adds the Journal, never seen before. The bill was quickly dispatched in the Lords, being passed there, as is before mentioned, in two days.

*The Union resumed.*] The business of the Union betwixt the two kingdoms was again resumed in this session. The Lords, by their committee, had several conferences with the Commons about it. It was first of all debated whether it should be deferred till next session. At last a bill was framed and brought in, intitled, 'an Act declaratory, explaining a branch of an Act made in the first session of this parl. called, 'an Act for certain commissioners of the realm of England to treat with the commissioners of Scotland, for the weal of both kingdoms;' which passed both houses, but to as little purpose as the former. There were above 100 bills brought into both houses.

*Debate on the Subsidy.*] May 15. A bill was sent up from the Commons for a Grant of three entire Subsidies and six 15ths from the Temporalty; at the same time was returned as passed, another bill for a confirmation of four Subsidies of 4s. in the pound from the Clergy. The former bill passed the Lords in two days; but moved very heavily through the Commons. The reader may call to mind the first proposal was only for two Subsidies and four 15ths; but, on the 25th of March, the Speaker (after delivering a Message from the King, how kindly he took that offer, looking upon it as a great argument of their love to him) made a motion, Whether any more should be given? And it was resolved in the affirmative. The Speaker told the house, "That his maj. bid them call to mind, that in the late queen's time many great aids were given; and that she was never driven to break her word but once. That he had lately several loans freely made him, for which he stands engaged; and therefore desired that the money might be paid in such time that his promise may be kept." On this, a long debate ensued. The courtiers argued that the king's Debts were to the value of 500,000l. a pressing debt; and that the whole sum of their former gift amounted to no more than 400,000l. That the first payments of the Subsidies ought to be quick, in order to answer the necessities of the state. 'Necessarium beneficium, lente datum, simile est pani lapidoso.' Not to lose the thanks of their gift by the difference of a few months in the payment. That 3 or 400 horse cost maintaining as much as three or four Subsidies come to; reckoning each horse 30l. and each horseman 40s. With more to the same purpose. The arguments used against granting so much were but few; one said, There was never an example of two Subsidies in time of peace. To which it was answered, That these were Subsidies of war, for the late Queen's Debts were for war; therefore what was granted now was for war. Upon the whole, the house divided on the times of payment, and it was carried by 121 against 113, for the first three payments to be made in two years.

*The Speaker's Speech and King's Answer on presenting the Subsidy-Bill.*] May 27. The king came to the House of Lords, in the afternoon, when the Speaker of the Commons, attended by that whole house, came up to the bar; and, on presenting the Money-Bills, he made a speech to the king to this effect; for there are only these short items of it to be found in the Journals. First, "he bestowed great praises and commendations on his maj. with thanks to God for the happiness the state enjoyed by giving them so gracious a king. He also returned thanks to his maj. for all his gracious benefits, and particularly for his last act for a free and general pardon. Withal making his humble request to the king, that he would be pleased to give his royal assent to the acts ready for that purpose. Also, that he would pardon them, and himself, in any thing they had unwillingly and unwittingly offended." The King made Answer himself, by some short compliments on their proceedings in this session; and said, "He had no exceptions to any of the bills but one. And, as a special mark of grace and favour, would pass them all, though it was a matter, in former times, very unusual to do it. Only he gave them admonition about one act, for a Restitution in blood of one Rowland Merrick; that they never should proceed in parl. with any such like act of restitution, till the same was first signed by the king, and that then it ought to begin in the Higher House; of which his maj. desired them to make a memorial.—After this, the lord

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chancellor, by command, in another short speech, prorogued this parl. to the 16th Nov. following.

Nov. 18. The parliament met again; nothing material happening to the State in the interval. The session was opened by a Speech from the King, which is preserved in the Journals of the Commons, being thus introduced:—"After some Speech used by the lord chancellor, touching the king's presence, at that time, being not usual:—the Manner of the Loan expected to be repaid:—the Matter of Grievances presented by the Commons in the preceeding session of parl.: his highness began to speak to this effect:"

*The King's Speech on opening the Session.*] "A Jove principium: about this time 12 month were we, that be now here assembled, assembled also in this place, to give thanks unto God for the great deliverance, not of myself, but of you all, and of all the body of the state, from that treason, which was most terribly intended against us all; for which we are bound for ever to be thankful to God." And then proceeded, and said: "That all propositions, made in parl. were made in two sorts; either by the king to his subjects, or by the subjects to the king. That in the last sessions were propositions of both sorts; both concerning Matters of Government of the Commonwealth proceeding from the King, and Matters of Grievance of the Commonwealth, which proceeded from the subjects: and that himself would not be accounted one of those kings, that would prefer any propositions of his own before the peoples just complaints; nor one of those, that would not reform any ancient grievances, before he would propose any new consultations. For the Grievances themselves, he said, they were collected with more industry, than lawful or dutiful diligence; yet the form, wherein they were penned and wherewith they were presented, was so full of discretion and moderation, that he was loth his answer should smell of the spirit of Roboam.—But for the Matters of Grievance, they were such, as, if they were unlawful, ought to be reformed; or, if they were lawful, and yet unlawfully used, and abused in execution, the abuse was to be reformed; or, if they were doubtful in law, were fit to be referred to trial and judgment: which order and distinction he had observed in all his Answers and Resolutions to every one of the several Grievances. Whereupon he observed, that it was not convenient for a parl. to present any, but apparent, publick, and just causes of grief; though his own nature and mind were ever prepared to relieve any private complaint of any private man, that might appear to be just.—But there is in parl. (as there is in all multitudes) diversities of spirits, as there was amongst the very apostles themselves; and that some of them were more popular, than profitable, either for that council, or for the commonwealth; and that there were some Tribunes of the people, whose mouths could not be stopped, either from the matters of the Puritans, or of the purveyance. But for himself, he would never make a separation of the Peoples Will and the Will of the King, and as for them, that would make any seisure or rupture, either of the Church, or of the Commonwealth, and therein were such schismaticks, he ever esteemed schismaticks and hereticks subject to the same curse.—But for his part, he wondered, how the Grievance of the purveyance should extend so far as the Borders; and professed, that all his study and care had continually been, to abolish this Grievance of Purveyance. Then he said, he would make one admonition unto the Lower House; viz. That they ought to enter into a double consideration of themselves: one, as they were subjects in general; another, as they were specially called to be councellors of the kingdom; and that the thought of the one must not make them forget the consideration of the other. That the parl. was not so perpetual, but that they, being subjects, were subject to an account, as kings themselves were; who, though they be exempt from any censure, or correction, upon the earth, yet, after the expiration of their reigns and their lives must yield an account to the eternal King: and therefore admonished them, to beware, that they were not like Icarus, the son of Dædalus; that soared so near the sun with his wings of wax, that his wax melted, and his wings failed, and down he fell: and therefore he would conclude, with Neptune in Virgil, 'Sed motos præstat componere fluctus;' and wished, that they would know him, and observe him; and if that any such plebeian tribunes should incur any offence, or commit any such error, they would correct them for it; and judge themselves (as St. Paul saith) that they be not judged; and that the whole body receive not a wound by one ill member thereof.—But the greatest and weightiest matter of all is this matter of the Union; wherein (he said) the goodness of the matter must supply his want of premeditation; for that, which he should say, must proceed out of some inspiration because he had so small a time of respiration, to consider it; but that gold did not need to be guilded, nor precious stones any ornament. He purposed no more, but to represent an idea of the inception and perfection of all he required in this Matter of Union; wherein he would first answer all Objections, that, by men of humorous or malicious minds, were opposed against this Union: 2ndly, he would shew the Motive of his Desire: 3rdly, the principal Heads of his Desire: and lastly, the End and Effect, the fruit and benefit of this Union.—The first Objection is, that there is no necessity of an Union and that therefore it is but superfluous: whereunto he answered, and confessed, there is no necessity to make an Union, for it is already made; but to knit and bind it, that it do not break into flaws and into cracks, as a contract is necessary unto marriage: and that this Union was necessary, not 'ad esse,' but 'ad bene esse;' not to the very essence, but the firm continuance of this union and marriage of both

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these kingdoms; whereof the creation or constitution was not now required,' but rather a declaration and confirmation. The 2nd Objection is a scornful objection; that it is not so rich, or so wealthy, or so potent a kingdom; but that the people are more impotent, and more poor: whereunto (though it were such an objection, as were more fit to be answered 'fustibus quam rationibus)' he would answer them, that it was not his purpose to deprive England of it's laws, nor of goods, nor of lands; but to lay Scotland subject to the laws; and that, if they were determined, that the poor people of England; or the poor or barren countries of England, should be no part of England; then perhaps there were some cause he should be better content, that Scotland should stand still divided and distinguished from England: but if Wales were admitted to be parcel of England; if the Borders, which are now naturally the middle part of the land; if all the barren parts of England were received as parcels thereof; he knew no cause, why Scotland, which was not so barren or poor, as some parts of them, should not as well be admitted to an Union with England: and if the greatness of England be so great, what decrease can it sustain by such a participation? or if Scotland be poor, what other cause is there thereof, but the want of this Union and participation with England? And when was there ever any king, or kingdom, to whom this principle of 'amplianda dominia' was not acceptable and honourable? But some (said he) are so suspicious, that they dare not trust the present times, nor the present king, with this Union; that this king is a partial king: he had his birth there; education there; all his acquaintance, familiarity, and conversation, during the first part of his age, hath been there; and therefore it cannot be, but there must be partiality in this king: wherein (he said) he would pardon them the double wrong they did both to him and themselves. For himself, he did profess, that so miraculous an applause, as he received by the general voice of all this nation, at his first entrance, had prevailed as much, and had as great a part of his heart, as the place of his birth; and that, as education was 'altera natura,' so his residence and continuance here was 'altera educatio;' and that there was no reason to suspect, that either any erection of that nation, or any suppression of this, should be endangered by this Union: therefore, 'qui habet aures, audiat;' let them that have ears, hear, and know, that there can no servitude nor diminution, but augmentation and freedom, be brought by this Union to this nation.—For the Motive of his Desire, he acknowledged his affection to Scotland, wherein he had his birth and education, and wherein he led the first part of his age; and if he should be unthankful to that kingdom, wherein he had spent the first part, what might they expect of him in this kingdom, wherein he should spend the second and last part of his age: and that therefore he did so equally esteem these two kingdoms, betwixt which he was so equally divided, as two brothers, and as if they had equal parts of his affections; and did desire, they should be united and subjected both to one rule and to one law. His 2nd motive was, that he knew himself to be mortal, as other men are; and that after him there could never be any so equally and so amply affected to them both. His 3rd Motive was this, that if this proposition should be disappointed of its due success, being known, as it was, so publickly to so many nations, and the eye of all the world in expectation of the event; if it failed, it would be imputed either to his folly to propose it, or to the obstinacy of his people, not to approve it. For the three Heads of his Desire, he protested, he wished himself no longer alive, but dead, if his desires were not directed to the commonwealth of both kingdoms; which might appear to all such, as did kindly and naturally examine and try the reasons of his desire, and did not prefer the fear of future apprehensions before present truths: and his desire was no more, but of the same effect, which of himself he had power to accomplish, without the parl.; not that they should perform it, but that they should concur with him to the perfection of it. —For the three Heads, they were but these: the 1st, every man would acknowledge, that there was now no cause of hostility or war; and therefore no cause but that all laws and ordinances of hostility might be extinguished. The 2nd was that which every man must acknowledge to be commodious, and that which all nations in amity and peace, though foreign, and subject to several dominions, did admit and embrace, freedom of commerce and traffick. The 3rd is but that his subjects may be adjudged to be his subjects; and that those that were born his subjects, before he was king of England, may have this benefit, to be esteemed his subjects, now he is king: and since there is no cause to account them aliens, but because they were born under his dominions, before he was king here; now that he is king, may be privileged, as those that are born under him, being their king. As for Scotland itself (whereof was once made an objection) it is content to embrace this Union. And therefore now let that, which hath been sought so much, and so long, and so often by blood, and fire, and by the sword, now it is brought and wrought by the hand of God, be embraced and received with an Hallelujah; and let it be as Wales was, and as all the Heptarchy was, united to England, as the principal; and let all at last be compounded and united into one kingdom. And since the crown and the sceptre, justice, and law, and all, is resident and reposed here; there can be no fear to this nation, but that they shall for ever continue continual friends, and shall ever acknowledge one Church and one King: and be joined in a perpetual marriage, for the peace and prosperity of both nations, and for the honour of their king. And so concluded, that sithence Union was the very essence of divinity, and the staff



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of all states; was the bond of marriage, the strength of families, the increase of kingdoms, and the kiss of enemies; let us all embrace it, that we may all enjoy it. And as the last session made provision of the state, and the regiment, and the policy of this kingdom; let this, though the labour be fastidious and troublesome, provide for the amplitude and the Union of both Kingdoms, to the glory of God, and the honour of the King."

*Proceedings on the Union, in Pursuance of the King's Speech.*] The Affair of the Union being thus warmly pressed by the king; it was pursued with great vigour in both houses, throughout the whole of this session. The Lords began with it on the 2nd day of their meeting; when, an Instrument for the Union, ready drawn up, by the Commissioners of both Kingdoms, was produced by the lord chancellor, and read; who, also, moved that the said Instrument might be sent down to the other house: which was done accordingly; with this Message, "That the said Instrument had been read in their house; but, because it concerned both houses, it was sent down to be read there in like manner; to the end that they might be well informed of the contents before any further proceedings were made."

The Commons did not return an Answer till 3 days after; when they acquainted their lordships, "That the Instrument for the Union had been read, also, in their house, and several copies taken of it; and that they now returned it back to the Lords for such further proceedings as they should think fit." On this the Lords sent another message to them, importing some commendations for the Commons perusing and taking copies of the said Instrument; and desiring that another conference might be held by the commisioners of both houses. The Commons having returned a satisfactory Answer to this last message, the Lords chose 40 of their body for a committee, who were appointed to meet with 80 of the other house, on the 25th of Nov. to treat about this grand affair.

Nov. 21. The Instrument for the Union was read in the Commons, and is entered, at length, in their Journals; but is too tedious to be recited. And, we the rather omit it, because the springs and motions of this grand machine are more succinctly described in the Lords Journals; which, for brevity's sake, we shall, chiefly follow, in the proceedings of the session.

Two days after the first conference, the Commons sent a message to the Lords, "Commending the honourable usage which the lords commissioners had given to their committee at the conference. That the proposition had been considered of by their house; and since they held this matter to be very great and weighty, so much, as to concern the conjunction of two kingdoms, which had been long, heretofore, in enmity; they intended to settle the dispute in 4 Points, which they took to be the substance of the Instrument for the Union. These Points were, 1. Hostile Laws. 2. Border Laws. 3. Naturalization. 4. Commerce.—The first two, they said were matters best fitting their lordships knowledge, and properer for the higher house to discuss; being affairs, more especially, of policy and state. The other two they will take upon themselves to manage, as things appertaining to the whole body of the realm, and therefore fitter for the lower house of parliament.

The Answer returned by the Lords to this last Message of the Commons, on the day after, was to this effect; "That their Lordships, having considered of their Message, did signify to that house, that they thought the beginning and end of their joint committees, in this Union affair, was to inculcate and perfect an uniformity in consultation and debate at their conferences about it, and which occasioned their lordships to desire a meeting. But, as yet, they found it had produced nothing but a Message; in which, as their lordships expectations were not answered, considering with what plainness and freedom they had proceeded, so they think it improper to receive any Propositions from them, before such points were jointly settled between them by whom they were to be handled. For 1st, they said, every member had an equality of interest, in every particular, rightly considered: 2ndly, their lordships conceived it a kind of diminution in capacity of the lower house, to think that any thing is too great for them, or too little for the lords: especially, in what concerns every member of either house, in his person, in his blood and fortune. Nevertheless, although the Lords still remain disposed as before, both for love and order, to desire that mutual satisfaction which conferences commonly work in minds well affected; yet, if the Commons, upon second thoughts, do still mislike of conference, their lordships, to lose no time, are resolved to proceed in their own way without them, and leave the Commons to follow their course by themselves."—To this Message the Commons returned an Answer; importing, "That they were sorry their lordships had mistaken their meaning, and imagined they had refused conference, or had a purpose or meaning to prescribe and limit the proceedings of that house. They desired their lordships to know, that they had no such intention of either diminishing the liberty or capacity of their own house, or what is more, the dignity of the house of lords. But that their meaning was only, to offer that motion of digesting and ordering of the 4 principal Points, as they conceived, in the Instrument of the Union; that their lordships might, if they pleased, undertake two of them. But now, that they understood their lordships mind, by the last Message, they desire to let them know, that they are willing to enter into consideration of the whole body of the Instrument, and debate the several matters therein contained amongst themselves, that they may be better prepared for a conference, which they will then be ready to attend; and desire their lordships concurrence with them." Answer was

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immediately returned, that the Lords are well satisfied with the course the Commons had now prescribed, and desire they would proceed in it, as they themselves intended, with expedition.

The Lords went next upon regulating their own committee as to their manner of speaking in the debate at the Conference. They relaxed some Rules and Orders used in the House; as the Order for speaking but once to a bill, at one time of reading, &c.; and left it open to any lord to speak and deliver his mind upon any point as often as he saw occasion. It was also agreed, that all the Judges, or such of them as are daily present in the house, shall attend the Lords at their Conference, from time to time, to give their opinions in any point of law. These preliminaries being settled, the Conference between the committees of both houses, on the matter of Union, began; but no clear account of it can be met with in the Journals of either House. However, we find it continued till Dec. 13th, when the Lords sent a Message to the Commons, signifying, "That it was his maj.'s pleasure, that both houses should adjourn to the 10th of Feb. ensuing." The lord chancellor made a short Speech to the Lords, "That it was his maj.'s express command to all the Lords, to appear and attend duly at the next meeting. And, whereas several of them had been absent this session, by licence from his maj. either on account of sickness or business, his meaning was, that they should give their attendance as soon as ever their business was dispatched, or their health recovered."

The Journal of the Commons ends this short session in this manner: "Die Jovis 18 Decembris 1606. Sir John Crook and mr. dr. Hone bring this Message from the Lords, That his maj. considering the great travel of the knights, citizens, and burgesses, committees employed in matter of the Union; and that the solemn feast of Christmas approaching, it were fit that the gentlemen repaired into their several countries, to solace themselves, comfort their neighbours, and perform other duties in their several places: therefore his highness hath signified his pleasure to be, that this session should be adjourned. And because this business might be no hindrance to the common justice of the realm, in the term-time, his maj.'s pleasure was to adjourn it until the 10th of Feb. following, being within 3 days of the end of the term."—"Upon this Message mr. Speaker adjourned the Court according to his maj.'s said pleasure."—Nota: "A Session adjourned, upon a message from the Lords signifying his maj.'s pleasure."—Nota: "The intermission of adjournment (still continued one and the same session) was one whole month and 23 days."

Feb. 10. The parl. met again, and the same admonition for strict attendance was given to the Lords, by the chancellor, as he had it in command from the king. On the 14th, the Lords sent a message to the Commons to acquaint them, "That they had entered into consideration of those things, which had already passed in Conference, concerning the Union. That the two points, relating to Hostile Laws and Commerce, have been handled but not perfected. That the 3rd point, touching Naturalization, remained wholly to be treated of: which, being done, both houses might better consider what further course may be taken for framing and proceeding in bills fit for the purpose. And therefore the Lords desire a new Conference on this occasion." Answer was immediately returned by the Commons, that they agreed thereto; but, as the Point of Naturalization was not yet touched upon, they were not ready to treat about it; and therefore desire the Lords to give them farther time. On the 22nd of Feb. the Lords received another message from them, importing, "That they were ready to speak to one part of the Point of Naturalization, which was, of such of the Scotch nation as had been born since his maj. came to the crown. Accordingly, Feb. 24th was appointed by the Lords to begin the Conference, and all the Judges were ordered to attend it.

*Dispute between the Two Houses concerning the Naturalization of the Scotch.*]—On the first day of this second Conference, the Judges being required to give their opinion concerning this last-mentioned Point of Naturalization, 11 out of 12 of them declared, "That such of the Scotch, as have been or shall be born in Scotland, since his maj.'s coming to the crown, were not Aliens; but are inheritable in this realm by the law, as it now stands in force, as native English." Several Reports were made in the Lords, concerning this Conference, and divers Messages sent between the two houses about it; but none of them of any great signification, until March 8, when a Message was sent from the Commons, in writing, in answer to one the Lords had sent the day before, in the same manner, to prevent mistakes; importing, "That whereas the Message from their Lordships was for a further conference on Naturalization in general; the Commons understanding it to mean Naturalization of the 'ante-nati' and 'post-nati,' and of the conveniency of it, with such limitations and restraints as might be fit for both; they will enter into consideration of it in such sense as they conceive it, and will prepare themselves for conference as soon as possible." To this the Lords instantly replied, "That their Message to the Commons was to confer on Naturalization in general; of which, what exposition or interpretation they shall make, the Lords do leave to their own judgment and conceits. That their lordships are ready now to confer with them on the general Point; and withal, the Lords do move them and expect that the Commons will be expeditious in the matter."

Affairs now began to grow a little warm between the two houses. The Commons sent

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another Message to the Lords, the day after the last mentioned, to this effect: "That they had entered into consideration of the Lords Reply to their last Answer; and do perceive that the construction and understanding of the message is left to their own judgments. Wherein, if their lordships are to treat again of the post-nati, in what sort they stand in law, the messenger (sir Edw. Hobby) said, he was commanded to tell them, that they all knew the Commons opinion and inclination in that Point; and, since that time, they had not seen, heard, nor understood any thing, to the contrary, that might seem to make them alter their opinion. If, of the ante-nati and Conveniency of Naturalization, they hold it to be a matter of state; and so it is fitter to have a beginning in the Upper House, who are better acquainted with these affairs. Yet, notwithstanding, if the Lords were disposed to deal freely with them, give light and lay open themselves, and make known in what sort they mean to proceed, they will be ready to attend the service." The Commons messengers were ordered to withdraw; and shortly after the Lords returned an Answer, by messengers of their own, to this import. "That as the strength of both houses consisted in nothing more, than the preservation of the right and privilege justly and properly belonging to either; so, in that respect, the Lords are very tender in suffering any thing to pass unanswered whereof there may arise the least misunderstanding. Therefore, although some words, delivered by the gentleman appointed to speak for the lower house, gave some offence; yet all their lordships did conceive they were only a *lapsus linguæ* in his own person, to which any man may be subject: but, being spoken at that time, and by a person qualified as their mouth, the Lords did not think it safe for them to conceal it from the Commons; for if it had been otherwise taken than the gentleman's private action, they must have used that freedom which is necessary from one friend to another, in telling them that they will never acknowledge any man, that sitteth in the lower house, to have the right and title of a baron of parl. Though some private gentlemen, that sit as burgesses for Cinque-Ports; may have such an appellation where they reside; no more could they admit the term of the Commons Court of Parliament; because their whole house, without the Lords, can make no court of judicature. But now, as to the matter itself, having said enough of the mistake, the Lords added they were very sorry to find so much reservation towards those that meant to use so much freedom; their lordships being so well persuaded of the Commons good affections to the general cause as they were; and are willing still to offer conference, in general terms, even on that particular title of Naturalization. Therefore, they thought fit for the present, once again to declare thus much unto them, that they have not had amongst themselves any particular deliberation, either in point of law or conveniency, about this Naturalizing Affair; because they did intend to meet the Commons, free from any obligation by any voice or opinion, upon any single branch of it, before they had in some measure conferred of the whole; according to the first institution of the Conference, as being the only way to come to a good and speedy end. And, as their messenger used a phrase of their resolution to attend the service, the Lords declared unto them, that they understand that expression, as a promise to confer as well as to hear what may be said of the matter; lest, when the Lords expect a conference, an audience only may be offered. In which conference there can be no difficulty, seeing they come to debate and argue without conclusion; and no man's thought can be so great a stranger as not to debate the matter, in some degree or other. To which intent, their lordships would be ready to meet the Commons, if they so like it, at the usual place, on the 7th of March, at 2 in the afternoon."

It may be supposed the Commons sent a more complying Answer to this last Message of the Lords, (though there is nothing entered in the Journals of March 5th but this, viz. "Message from the Lower House by Mr. Martin and others:") for the Conference did begin on the 7th, as the Lords desired. It was agreed at this meeting, by the whole, that, to prevent confusion, the number of the committee of each house should be lessened from 40 Lords to 20, and from 80 Commoners to 40. Accordingly, we find that the Lords reduced theirs to the abp. of Canterbury and 6 other bps. the lord chancellor and lord treasurer, 5 earls and 6 barons. These sub-committees, it was supposed, were likely to bring matters sooner to a conclusion than the larger; but it did not answer the intention. For, though they had several meetings, on many different days, yet nothing was done that tended any way towards an agreement. On the contrary, we find that, on the 27th of March, the Lords sent another complaining Message to the Commons, importing, "That their Committee had strangely prevaricated with them; for that though their lordships came with full power and purpose to deliver their opinions openly, yet the unexpected reservation of the Commons in hearing and not speaking to the matter, had taken away the life of the intended conference: especially considering that, instead of a free and open debate between them, their lordships had met with such a distinction, as did in effect close up all and cross directly the purpose for which they were sent. And yet, out of their desire that the work may not suffer interruption, by any mistakings or too exact formalities; the whole house, upon the Report of their Committee to them, have resolved to make this farther Proposition: That if the Commons would send a Committee, authorised both to hear their Propositions and Reasons for some difference between the post-nati and the ante-nati, in point of conveniency

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only, without regard to any thing that hath or may be said in point of law; and to debate thereupon, by way of argument only, as their deputies should find occasion, without concluding them or binding the Commons by any thing spoken at that time: why then, the Lords said, to requite such free and ingenuous manner of conference, which they had ever desired, they were ready to meet the other committee again; and open themselves, by way of Proposition and Argument, in all those Points left untreated of." Answer, "That the Commons would send one, by some of their own house, as soon as conveniently they may."

But we cannot find that any Answer was ever sent from the Commons to the Lords, on this last Message, nor did the committees meet again to confer on this matter. However, the Commons did not wholly slight this grand affair; but, in order to give some satisfaction to the king, a bill was brought in, and passed that house, intituled, 'an act for the utter Abolition of all Memory of Hostility, and the Dependants thereof between England and Scotland, and for the repressing the occasion of Discords and Disorders for the time to come.' This Bill was sent up to the Lords on the 6th of June; it was read in that house a 2nd time, and committed on the 8th: the next day the said committee reported, "That they had gone through the bill; but finding some causes of doubt in it, which they desired to be cleared, they moved, that another conference might be had, by committees of both houses, that afternoon." Answer returned, "That the Commons will attend their lordships, to the number of 100 of their house." This second conference was more effectual than the former. Some additions and amendments were added, by consent of both houses, to the bill: June the 30th it was passed by the Lords, and this act stands the first in our Statute-Books amongst the printed statutes of this year.

*Debate in the Commons on the Point of Naturalization.*] We have now gone through the proceedings of the parl. on this affair of the Union, in what the Journals of the Lords will instruct us about it. But the Journals of the Commons are much more circumstantial in the debates of their members on this grand article, which we shall draw out as concisely as the nature of the thing will admit. Besides inserting the Instrument at full length, agreed on, signed, and sealed by 39 English, and 28 Scottish commissioners, certain Notes or Memorandums were read, containing the groundwork of their proceedings in this affair in the last session. These we shall omit, and content ourselves with giving the substance of each particular member's arguments for and against this great question.

Feb. 14th. Mr. *Fuller* first began the dispute against a general Naturalization; he argued, "That God had made people fit for every country; some for a cold, some for a hot climate; and those several countries he hath adapted to their several natures and qualities. All grounds are not fit for one kind of grain; but some for oats, some for wheat, &c. Suppose one man is owner of two pastures, with one hedge to divide them; the one pasture bare, the other fertile and good. A wise owner will not quite pull down the hedge, but make gates to let the cattle in and out at pleasure; otherwise they will rush in in multitudes, and much against their will return. That the Union was no more than as two arms of one body. But before they be admitted, it is proper to consider what place and room we have for them. Look into the Universities, there you will find many of our own, very worthy men, not preferred. In London, see what the bill of Inmates doth provide for; and remember what was opened to the house on the reading of that bill. Amongst the merchants, though they labour, toil, and provide all they can, yet they have had no fruits, no success these 3 years. Our English merchants adventure; they go to sea with great vessels, freighted at a great charge; the other with little vessels at a small charge. The Scotch carry their wares in other countries up and down in packs; and by these means have taken away all the trade from Dieppe already. Our traders are too many already, and there are impositions upon the English from which the Scotch are discharged. The navy of Scotland is so weak, as to be in misericordiam to every mean force. He added, that the care of a sovereign prince is, that his subjects live under him, 'honestè, tutè, pacificè, et jucundè.' That country is miserable, where the great men are exceeding rich, the poor men exceeding poor; and no mean, no proportion, between both. Tenants of two manors; whereof the one hath woods, fisheries, liberties, common of estovers, &c. The other a bare common, without profit; only a little turf, or the like. The owner maketh a grant, that the tenants of this shall be participants of the profits, &c. of the former. This beareth some shew of equity, but is plain wrong, and the grant void. The king cannot make a single village in one, to be parcel of another county. He cannot make a parcel of one kingdom parcel of another, being distinct kingdoms. Law is the happiness of our govt. Commissions are of absolute power, and occasion absolute wrong. The king can do what he may do by his legal power. In the 13th of Hen. IV. an office of measuring cloth was granted, with a fee imposed; but it was found unjust, and adjudged void. So it was in sir Edw. Darcey's Case, for sealing of cards. The king's oath, by Magna Charta, is not to act against law. A Protection granted by the king for 3 years was not good; for one he may. If king Philip of Spain had had a son by queen Mary, he would have been king of Spain, Sicily, &c. was it proper to naturalize those subjects? It cannot be good to mingle two swarms of bees under one hive on the sudden. When the Jews were in cap-

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tivity, and were moved to mirth and sing songs, they could not forget Jerusalem; 'Let their right hand forget their left, &c.' And when Abraham and Lot were brethren, Abraham said, 'Go thou to the right hand, and I will go to the left, &c.' So they divided, and either took that part which was fittest for him."

This speech was followed by Mr. *Wentworth* and Mr. *Moore*; the main points of whose arguments were, That England and Scotland were 'una et alia respublica;' Scotland, 'aliena respublica.' They acknowledge no crown, no king, no sovereignty but Scotland; we none but that of England. No alteration being made by the king's coming hither. Remembered, that the king said in a speech, reported from him to the house, this session, "I would be loth to live to see the king of Scotland do wrong to the king of England." The king is seized, 'in jure coronæ, Scotiæ, et in jure coronæ, Angliæ.' If there be two regalities, how one kingship? Ireland was subdued by conquest by Hen. II. and they have ever since been natural born subjects. If we think the law to be one way, not to declare it another. Lastly, if we naturalize them, it is necessary to have many cautions; cautions for ecclesiastical promotions; cautions for our lands and for our trades. All these to be well considered of by a committee. On the other side,

Sir *Francis Bacon*, Solicitor General, spoke as follows:* "It may please you, mr. Speaker, preface I will use none, but put myself upon your good opinion, to which I have been accustomed beyond my deservings; neither will I hold you in suspence what way I will choose, but now at the first declare myself, that I mean to counsel the house to naturalize this nation: wherein, nevertheless, I have a request to make unto you, which is of more efficacy to the purpose I have in hand than all that I shall say afterwards. And it is the same request which Demosthenes did more than once, in great causes of estate, make to the people of Athens, that when they took into their hands the balls, whereby to give their voices, according as the manner of them was, they would raise their thoughts, and lay aside those considerations which their private vocations and degrees might minister and represent unto them, and would take upon them cogitations and minds agreeable to the dignity and honour of the estate. For, mr. Speaker, as it was aptly and sharply said by Alexander to Parmenio, when upon their recital of the great offers which Darius made, Parmenio said unto him, 'I would accept these offers, were I as Alexander:' he turned it upon him again, 'So would I (saith he) were I as Parmenio.' So in this cause, if an honest English merchant, I do not single out that state in disgrace, for this island ever held it honourable, but only for an instance of a private profession, if an English merchant, should say, "Surely I would proceed no farther in the union, were I as the king;" it might be reasonably answered, "No more would the king, "were he as an English merchant." And the like may be said of a gentleman in the country, be he never so worthy or sufficient; or of a lawyer, be he never so wise or learned; or of any other particular condition of men in this kingdom: for certainly, mr. Speaker, if a man shall be only or chiefly sensible of those respects which his particular vocation and degree shall suggest and infuse into his brain, and not enter into true and worthy considerations of estates, he shall never be able aright to give counsel, or take counsel in this matter. So that if this request be granted, I account the cause obtained. But to proceed to the matter itself: all consultations do rest upon questions comparative; for when a question is 'de vero,' it is simple, for there is but one truth; but when a question is 'de bono,' it is for the most part comparative; for there be differing degrees of good and evil, and the best of the good is to be preferred and chosen, and the worst of the evil is to be declined and avoided; and therefore in questions of this nature you may not look for answer proper to every inconvenience alledged; for somewhat that cannot be especially answered may, nevertheless, be encountered and over-weighed by matter of greater moment, and therefore the matter which I shall set forth unto you will naturally receive the distribution of three parts. First, an answer to those inconveniences which have been alledged to ensue, if we should give way to this naturalization; which, I suppose, you will not find to be so great as they have been made; but that much dross is put into the balance to help to make weight. Secondly, an encounter against the remainder of these inconveniences which cannot properly be answered, by much greater inconveniences, which we shall incur if we do not proceed to this naturalization. Thirdly, an encounter likewise, but of another nature, that is, by the gain and benefit which we shall draw and purchase to ourselves by proceeding to this naturalization. And yet, to avoid confusion, which ever followeth upon too much generality, it is necessary for me, before I proceed to persuation, to use some distribution of the points or parts of naturalization, which certainly can be no better, or none other, than the ancient distinction of 'jus civitatis, jus suffragii vel tribus, et jus petitionis sive honoris:' for all ability and capacity is either of private interest of 'meum et tuum,' or of public service; and the public consisteth chiefly either in voice, or in office. Now it is the first of these, mr. Speaker, that I will only handle at this time and in this place, and refer the other two for a committee, because they receive more distinction and restriction. To come therefore to the inconveniences alledged on the other part, the first of them is, that there may ensue of this naturalization a surcharge of people upon this realm of England which is supposed

* See Bacon's Works, Vol. III. p. 290. London edit. 1803.

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already to have the full charge and content; and therefore there cannot be an admission of the adoptive without a diminution of the fortunes and conditions of those that are native subjects of this realm. A grave objection, mr. Speaker, and dutiful; for it proceeds not of any unkindness to the Scotish nation, but of natural fastness to ourselves; for that answer of the virgins, 'ne forte non sufficiat vobis et nobis,' proceeded not out of any envy or malign humour, but out of providence, and the original charity which begins with ourselves. And I must confess, mr. Speaker, that as the gentleman said, when Abraham and Lot, in regard of the greatness of their families, grew pent and straitened, it is true, that, though they were brethren, they grew to difference, and to those words, 'Vade tu ad dexteram, et ego ad sinistram, &c.' But, certainly, I should never have brought that example on that side; for we see what followed of it, how that this separation 'ad dexteram et ad sinistram' caused the miserable captivity of the one brother, and the dangerous, though prosperous war of the other, for his rescue and recovery. But to this objection, mr. Speaker, being so weighty and so principal, I mean to give three several answers, every one of them being, to my understanding, by itself sufficient. The first is, that this opinion of the number of the Scottish nation, that should be likely to plant themselves here amongst us, will be found to be a thing rather in conceit than in event; for, mr. Speaker, you shall find those plausible similitudes, of a tree that will thrive the better if it be removed into the more fruitful soil; and of sheep or cattle, that if they find a gap or passage open will leave the more barren pasture, and get into the more rich and plentiful, to be but arguments merely superficial, and to have no sound resemblance with the transplanting or transferring of families; for the tree, we know, by nature, as soon as it is set in the better ground, can fasten upon it, and take nutriment from it; and a sheep, as soon as he gets into the better pasture, what should let him to graze and feed? But there belongeth more, I take it, to a family or particular person, that shall remove from one nation to another: for if, mr. Speaker, they have not stock, means, acquaintance, and custom, habitation, trades, countenance, and the like, I hope you doubt not but they will starve in the midst of the rich pasture, and are far enough off from grazing at their pleasure: and therefore in this point, which is conjectural, experience is the best guide; for the time past is a pattern of the time to come. I think no man doubteth, mr. Speaker, but his maj.'s first coming in was the greatest spring-tide for the confluence and entrance of that nation. Now I would fain understand, in these 4 years space, and in the fulness and strength of the current and tide, how many families of the Scotsmen are planted in the cities, boroughs, and towns of this kingdom; for I do assure myself, that, more than some persons of quality about his maj.'s person here at the court, and in London, and some other inferior persons, that have a dependence upon them, the return and certificate, if such a survey should be made, would be of a number extremely small: I report me to all your private knowledges of the places where you inhabit. Now, mr. Speaker, as I said, 'Si in ligno virida ita fit, quid fiet in arido?' I am sure there will be no more such spring tides. But you will tell me of a multitude of families of the Scotish nation in Polonia; and if they multiply in a country so far off, how much more here at hand? For that, mr. Speaker, you must impute it of necessity to some special accident of time and place that draws them thither: for you see plainly before your eyes, that in Germany, which is much nearer, and in France, where they are invited with privileges, and with this very privilege of naturalization, yet no such number can be found; so as it cannot either be nearness of place, or privilege of person, that is the cause. But shall I tell you, mr. Speaker, what I think? Of all the places in the world, near or far off, they will never take that course of life in this kingdom, which they content themselves with in Poland; for we see it to be the nature of all men that they will rather discover poverty abroad, than at home. There is never a gentleman that hath over-reached himself in expence, and thereby must abate his countenance, but he will rather travel, and do it abroad than at home: and we know well they have good high stomachs, and have ever stood in some terms and emulation with us; and therefore they will never live here, except they can live in good fashion. So as I assure you, mr. Speaker, I am of opinion that the fear which we now have to admit them, will have like success as that contention had between the nobility and people of Rome for the admitting of a plebeian consul; which whilst it was in passage was very vehement, and mightily stood upon, and when the people had obtained it, they never made any plebeian consul, not in sixty years after: and so will this be for many years, as I am persuaded, rather a matter in opinion and reputation, than in use or effect. And this is the first answer that I give to this main inconvenience pretended, of surcharge of people. The second answer which I give to this objection, is this: I must have leave to doubt, mr. Speaker, that this realm of England is not yet peopled to the full; for certain it is, that the territories of France, Italy, Flanders, and some parts of Germany, do in equal space of ground bear and contain a far greater quantity of people, if they were mustered by the poll; neither can I see, that this kingdom is so much inferior unto those foreign parts in fruitfulness, as it is in population; which makes me conceive we have not our full charge. Besides, I do see manifestly among us the badges and tokens rather of scarceness, than of press of people, as drowned grounds, commons, wastes, and the like, which is a

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plain demonstration, that howsoever there may be an over-swelling throng and press of people here about London, which is most in our eye, yet the body of the kingdom is but thin sown with people: and whosoever shall compare the ruins and decays of ancient towns in this realm, with the erections and augmentations of new, cannot but judge that this realm hath been far better peopled in former times; it may be, in the heptarchy, or otherwise: for generally the rule holdeth, the smaller the state, the greater the population, 'pro rata.' And whether this be true or no, we need not seek farther, than to call to our remembrance how many of us serve here in this place for desolate and decayed boroughs. Again, mr. Speaker, whosoever looketh into the principles of estate, must hold that it is the mediterrane countries and not the maritime, which need to fear surcharge of the people; for all sea provinces, and especially islands, have another element besides the earth and soil, for their sustentation. For what an infinite number of people are, and may be, sustained by fishing, carriage by sea, and merchandising? Wherein again I do discover, that we are not at all pinched by multitude of people; for if we were, it were not possible that we should relinquish and resign such an infinite benefit of fishing to the Flemings, as it is well known we do. And therefore I see, that we have wastes by sea, as well as by land; which still is an infallible argument that our industry is not awakened to seek maintenance by any over great press or charge of people. And lastly, mr. Speaker, there was never any kingdom in the ages of the world had, I think, so fair and happy a means to issue and discharge the multitude of their people, if it were too great, as this kingdom hath, in regard of that desolate and wasted kingdom of Ireland; which being a country blessed with almost all the dowries of nature, as rivers, havens, woods, quarries, good soil, and temperate climate, and now at last under his maj. blessed also with obedience, doth, as it were, continually call unto us for our colonies and plantations. And so I conclude my 2d answer to this pretended inconvenience, of surcharge of people. The 3d answer, mr. Speaker, which I give, is this: I demand what is the worst effect that can follow of surcharge of people? Look into all stories, and you shall find it none other than some honourable war for the enlargement of their borders, which find themselves pent, upon foreign parts; which inconvenience, in a valorous and warlike nation, I know not whether I should term an inconvenience or no; for the saying is most true, though in another sense, 'omne solum forti patria.' It was spoken indeed of the patience of an exiled man, but it is no less true of the valour of a warlike nation. And certainly, mr. Speaker, I hope I may speak it without offence, that if we did hold ourselves worthy, whensoever just cause should be given, either to recover our ancient rights, or to revenge our late wrongs, or to attain the honour of our ancestors, or to enlarge the patrimony of our posterity, we should never in this manner forget considerations of amplitude and greatness, and fall at variance about profit and reckonings; fitter a great deal for private persons than for parliaments and kingdoms. And thus, mr. Speaker, I leave this first objection to such satisfaction as you have heard. The 2d objection is, that the fundamental laws of both these kingdoms of England and Scotland are yet divers and several; nay more, that it is declared by the instrument, that they shall so continue, and that there is no intent in his maj. to make innovation in them: and therefore that it should not be seasonable to proceed to this naturalization, whereby to endow them with our rights and privileges, except they should likewise receive and submit themselves to our laws; and this objection likewise, mr. Speaker, I allow to be a weighty objection, and worthy to be well answered and discussed. The answer which I shall offer is this; it is true, for my own part, mr. Speaker, that I wish the Scottish nation governed by our laws; for I hold our laws with some reducement worthy to govern, and it were the world: but this is that which I say, and I desire therein your attention, that according to true reason of estate, naturalization is in order first and precedent to union of laws; in degree a less matter than union of laws; and in nature separable, not inseparable from union of laws; for naturalization doth but take out the marks of a foreigner, but union of laws make them entirely as ourselves. Naturalization taketh away separation; but union of laws doth take away distinction. Do we not see, mr. Speaker, that in the administration of the world under the great monarch God himself, that his laws are diverse: one law in spirits, another in bodies; one law in regions celestial, another in elementary: and yet the creatures are all one mass or lump, without any vacuum or separation? Do we not likewise see in the state of the church, that amongst people of all languages and lineages there is one communion of saints, and that we are all fellow-citizens and naturalized of the heavenly Jerusalem; and yet nevertheless divers and several ecclesiastical laws, policies, and hierarchies, according to the speech of that worthy father, 'In veste varietas sit, scissura non sit?' And therefore certainly, mr. Speaker, the bond of law is the more special and private bond, and the bond of naturalization the more common and general; for the laws are rather 'figura reipublicæ' than 'forma,' and rather bonds of perfection than bonds of entireness: and therefore we see in the experience of our own govt. that in the kingdom of Ireland, all our statute laws, since Poyning's law, are not in force; and yet we deny them not the benefit of naturalization. In Jersey and Guernsey and the isle of Man, our common laws are not in force, and yet they have the benefit of naturalization; neither need any man doubt but

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that our laws and customs must in small time gather and win upon theirs; for here is the seat of the kingdom, whence come the supreme directions of estate: here is the king's person and example, of which the verse saith, 'Regis ad exemplum totus componitur orbis.' And therefore it is not possible, although not by solemn and formal act of estates, yet by the secret operation of no long time, but they will come under the yoke of our laws, and so 'dulcis tractus pari jugo.' And this is the answer I give to the 2d objection. The 3d objection is, some inequality in the fortunes of these two nations, England and Scotland, by the commixture whereof there may ensue advantage to them and loss to us. Wherein, mr. Speaker, it is well that this difference or disparity consisteth but in the external goods of fortune: for indeed it must be confessed, that for the goods of the mind and the body, they are 'alteri nos,' other ourselves; for to do them but right, we know in their capacity and understanding they are a people ingenious, in labour industrious, in courage valiant, in body hard, active, and comely. More might be said, but in commending them we do but in effect commend ourselves: for they are of one piece and continent with us; and the truth is, we are participant both of their virtues and vices. For if they have been noted to be a people not so tractable in govt. we cannot, without flattering ourselves, free ourselves altogether from that fault, being a thing indeed incident to all martial people; as we see it evident by the example of the Romans and others; even like unto fierce horses, that though they be of better service than others, yet are they harder to guide and manage. But for this objection, mr. Speaker, I propose to answer it, not by authority of Scriptures, which saith, 'Beatius est dare quam accipere,' but by an authority framed and derived from the judgment of ourselves and our ancestors in the same case as to this point. For, mr. Speaker, in all the line of our kings none used to carry greater commendation than his maj.'s noble progenitor king Edward the first of that name; and amongst his other commendations, both of war and policy, none is more celebrated than his purpose and enterprise for the conquest of Scotland, as not bending his designs to glorious acquests abroad, but to solid strength at home; which, nevertheless, if it had succeeded well, could not but have brought in all those inconveniences of the commixture of a more opulent kingdom with a less, that are now alledged. For it is not the yoke, either of our laws or arms, that can alter the nature of the climate or the nature of the soil; neither is it the manner of the commixture that can alter the matter of the commixture: and therefore, mr. Speaker, if it were good for us then, it is good for us now, and not to be prised the less because we paid not so dear for it. But a more full answer to this objection I refer over to that which will come after, to be spoken touching surety and greatness. The 4th objection, mr. Speaker, is not properly an objection, but rather a pre-occupation of an objection of the other side; for it may be said, and very materially, whereabout do we contend? The benefit of Naturalization is by the law, in as many as have been or shall be born since his maj.'s coming to the crown, already settled and invested. There is no more then but to bring the 'ante-nati' into the degree of the 'post-nati,' that men grown that have well deserved, may be in no worse case than children which have not deserved, and elder brothers in no worse case than younger brothers; so as we stand upon 'quiddam,' not 'quantum,' being but a little difference of time of one generation from another. To this, mr. Speaker, it is said by some, that the law is not so, but that the 'post-nati' are aliens as the rest. A point that I mean not much to argue, both because it hath been well spoken to by the gentlemen that spoke last before me; and because I do desire in this case and in this place to speak rather of convenience than of law; only this I will say, that that opinion seems to me contrary to reason of law, contrary to form of pleading in law, and contrary to authority and experience of law. For reason of law, when I meditate of it, methinks the wisdom of the common laws of England well observed, is admirable in the distribution of the benefit and protection of the laws, according to the several conditions of persons, in an excellent proportion. The degrees are four, but bipartite, two of aliens and two of subjects. The first degree is of an alien born under a king or estate that is an enemy. If such an one come into this kingdom without safe conduct, it is at his peril; the law giveth him no protection, neither for body, lands, nor goods; so as if he be slain there is no remedy by any appeal at the party's suit, although his wife were an English woman: marry at the king's suit, the case may be otherwise in regard of the offence to the peace. The second degree is of an alien that is born under the faith and allegiance of a king or state that is a friend. Unto such a person the law doth impart a greater benefit and protection, that is, concerning things personal, transitory, and moveable, as goods and chattels, contracts, and the like, but not concerning freehold and inheritance. And the reason is, because he may be an enemy, though he be not; for the state under the obeisance of which he is, may enter into quarrel and hostility; and therefore, as the law hath but a transitory assurance of him, so it rewards him but with transitory benefits. The third degree is of a subject, who having been an alien, is by charter made denizen. To such an one the law doth impart yet a more ample benefit; for it gives him power to purchase freehold and inheritance to his own use, and likewise enables the children born after his denization to inherit. But yet nevertheless he cannot make title nor convey pedigree from



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any ancestor paramount; for the law thinks not good to make him in the same degree with a subject born, because he was once an alien, and so might have been an enemy: and 'nemo subito fingitur,' men's affections cannot be so settled by any benefit, as when from their nativity they are inbred and inherent. And the fourth degree, which is the perfect degree, is of such a person as neither is enemy, nor could have been enemy in time past, nor can be enemy in time to come; and therefore the law gives unto him the full benefit of Naturalization. Now, mr. Speaker, if these be the true steps and paces of the law, no man can deny but whosoever is born under the king's obedience never could 'in aliquo puncto temporis' be an enemy, a rebel he might be, but no enemy; and therefore in reason of law is naturalized. Nay, contrariwise, he is bound 'jure nativitatis' to defend this kingdom of England against all invaders or rebels; and therefore, as he is obliged to the protection of arms, and that perpetually and universally, so he is to have the perpetual and universal benefit and protection of laws, which is Naturalization. For form of pleading, it is true that hath been said, that if a man would plead another to be an alien, he must not only set forth negatively and privately, that he was born out of the obedience of our sovereign lord the king, but affirmatively, under the obedience of a foreign king or state in particular, which can never be done in this case. As for authority, I will not press it; you know all what hath been published by the king's proclamation. And for experience of law, we see it in the subjects of Ireland, in the subjects of Guernsey and Jersey, parcels of the duchy of Normandy; in the subjects of Calais, when it was English, which was parcel of the crown of France. But as I said, I am not willing to enter into an argument of law, but to hold myself to point of conveniency, so as for my part I hold all 'post-nati' naturalized 'ipso jure;' but yet I am far from opinion, that it should be a thing superfluous to have it done by parl.; chiefly in respect of that true principle of estate, 'principum actiones præcipue ad famam sunt componendæ.' It will lift up a sign to all the world of our love towards them, and good agreement with them. And these are, mr. Speaker, the material objections which have been made on the other side, whereunto you have heard my answers; weigh them in your wisdoms, and so I conclude that general part. Now, mr. Speaker, according as I promised, I must fill the other balance, in expressing unto you the inconveniences which we shall incur, if we shall not proceed to this Naturalization; wherein that inconvenience, which of all others, and alone by itself, if there were none other, doth exceedingly move me, and may move you, is a position of estate, collected out of the records of time, which is this: that wheresoever several kingdoms or estates have been united in sovereignty, if that union hath not been fortified and bound in with a farther union, and namely, that which is now in question, of Naturalization, this hath followed, that at one time or other they have broken again, being upon all occasions apt to revolt and relapse to the former separation. Of this assertion, the first example which I will set before you, is of that memorable union which was between the Romans and the Latins, which continued from the battle at the lake of Regilla, for many years, unto the consulships. At what time there began, about this very point of Naturalization, that war which was called 'bellum sociale,' being the most bloody and pernicious war that ever the Roman state endured; wherein, after a number of battles and infinite sieges and surprises of towns, the Romans in the end prevailed and mastered the Latins; but as soon as ever they had the honour of the war, looking back into what perdition and confusion they were near to have been brought, they presently naturalized them all. You speak of a Naturalization in Blood; there was a naturalization indeed in blood. Let me set before you again the example of Sparta, and the rest of Peloponnesus their associates. The state of Sparta was a nice and jealous state in this point of imparting Naturalization to their confederates. But what was the issue of it? After they had held them in a kind of society and amity for divers years, upon the first occasion given, which was no more than the surprise of the castle of Thebes, by certain desperate conspirators in the habit of maskers, there ensued immediately a general revolt and defection of their associates; which was the ruin of their state never afterwards to be recovered. Of latter times let me lead your consideration to behold the like events in the kingdom of Arragon; which kingdom was united with Castile and the rest of Spain in the persons of Ferdinando and Isabella, and so continued many years; but yet so as it stood a kingdom severed and divided from the rest of the body of Spain in privileges, and directly in this point of Naturalization, or capacity of inheritance. What came of this? Thus much, that now of fresh memory, not past twelve years since, only upon the voice of a condemned man out of the grate of a prison towards the street, that cried 'fueros,' which is as much as, liberties or privileges, there was raised a dangerous rebellion, which was suppressed with great difficulty with an army royal. After which victory nevertheless, to shun farther inconvenience, their privileges were disannulled, and they were incorporated with the rest of Spain. Upon so small a spark, notwithstanding so long a continuance, were they ready to break and sever again. The like may be said of the states of Florence and Pisa, which city of Pisa being united unto Florence, but not endowed with the benefit of Naturalization, upon the first light of foreign assistance, by the expedition of Charles VIII. of France into Italy, did revolt; though it be since again reunited and incorporated. The same effect we see in the most barbarous go-

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vernment, which shews it the rather to be an effect of nature; for it was thought a fit policy by the council of Constantinople to retain the three provinces of Transylvania, Wallachia, and Moldavia, which were as the very nurses of Constantinople, in respect of their provisions, to the end they might be the less wasted, only under Waywoods as vassals and homagers, and not under Bashaws, as provinces of the Turkish empire; which policy we see by late experience proved unfortunate, as appeared by the revolt of the same three provinces, under the arms and conduct of Sigismond, prince of Transylvania, a leader very famous for a time; which revolt is not yet fully recovered. Whereas we seldom or never hear of revolts of provinces incorporated with the Turkish empire. On the other part, mr. Speaker, because it is true what the logicians say, 'opposita juxta se posita magis elucescunt:' let us take a view, and we shall find that wheresoever kingdoms and states have been united, and that union corroborated by the bond of mutual Naturalization, you shall never observe them afterwards, upon any occasion of trouble or otherwise, to break and sever again: as we see most evidently before our eyes, in divers provinces of France, that is to say, Guienne, Provence, Normandy, Britain, which notwithstanding the infinite infesting troubles of that kingdom, never offered to break again. We see the like effect in all the kingdoms of Spain, which are mutually naturalized, as Leon, Castile, Valentia, Andalusia, Granada, and the rest, except Arragon, which held the contrary course, and therefore had the contrary success, as was said, and Portugal, of which there is not yet sufficient trial. And, lastly, we see the like effect in our own nation, which never rent asunder after it was once united; so as we now scarce know whether the heptarchy were a true story or a fable. And therefore, mr. Speaker, when I revolve with myself these examples and others, so lively expressing the necessity of a Naturalization to avoid a relapse into a separation; and do hear so many arguments and scruples made on the other side; it makes me think on the old bishop, which, upon a public disputation of certain Christian divines with some learned men of the heathen, did extremely press to be heard; and they were loth to suffer him, because they knew he was unlearned, though otherwise an holy and well-meaning man; but at last, with much ado, he got to be heard; and when he came to speak, instead of using argument, he did only say over his belief; but did it with such assurance and constancy, as it did strike the minds of those that heard him more than any argument had done. And so, mr. Speaker, against all these witty and subtle arguments, I say, that I do believe, and I would be sorry to be found a prophet in it, that except we proceed with this Naturalization, though perhaps not in his maj.'s time, who hath such interest in both nations, yet in the time of his descendants these realms will be in continual danger to divide and break again. Now if any man be of that careless mind, 'maneat nostros ea cura nepotes;' or of that hard mind, to leave things to be tried by the sharpest sword: sure I am, he is not of st. Paul's opinion, who affirmeth, that whosoever useth not a foresight and provision for his family, is worse than an unbeliever; much more if we shall not use foresight for these two kingdoms, that comprehend in them so many families, but leave things open to the peril of future divisions. And thus have I expressed unto you that inconvenience, which, of all others, sinketh deepest with me as the most weighty: neither do there want other inconveniences, mr. Speaker, the effects and influence whereof I fear will not be adjourned to so long a day as this that I have spoken of: for I leave it to your wisdoms to consider whether you do not think, in case, by the denial of this Naturalization, any pique or alienation, or unkindness, I do not say should be, but should be thought to be, or noised to be between these two nations, whether it will not quicken and excite all the envious and malicious humours, wheresoever, which are now covered, against us, either foreign or at home; and so open the way to practices and other engines and machinations, to the disturbance of this state? As for that other inconvenience of his maj.'s engagement into this action, it is too binding and pressing to be spoken of, and may do better a great deal in your minds than in my mouth, or in the mouth of any man else; because, as I say, it doth press our liberty too far. And therefore, mr. Speaker, I come now to the third general part of my division, concerning the benefits which we shall purchase by this knitting of the knot surer and straiter between these two kingdoms, by the communicating of Naturalization: the benefits may appear to be two, the one surety, the other greatness. Touching surety, mr. Speaker, it was well said by Titus Quintius the Roman, touching the state of Peloponnesus, that the tortoise is safe within her shell, 'testudo intra tegumen tuta est;' but if there be any parts that lie open, they endanger all the rest. We know well, that although the state at this time be in a happy peace, yet for the time past, the more ancient enemy to this kingdom hath been the French, and the more late the Spaniard; and both these had as it were their several postern gates, whereby they might have approach and entrance to annoy us, France had Scotland, and Spain had Ireland; for these were the two accesses which did comfort and encourage both these enemies to assail and trouble us. We see that of Scotland is cut off by the union of these two kingdoms, if that it shall be now made constant and permanent; that of Ireland is cut off likewise by the convenient situation of the north of Scotland towards the north of Ireland, where the sore was: which we see, being suddenly closed, hath continued closed by means of this salve; so that as now

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there are no parts of this state exposed to danger to be a temptation to the ambition of foreigners, but their approaches and avenues are taken away: for I do little doubt but those foreigners which had so little success when they had those advantages, will have much less comfort now that they be taken from them: and so much for surety. For greatness, mr. Speaker, I think a man may speak it soberly and without bravery, that this kingdom of England, having Scotland united, Ireland reduced, the sea provinces of the Low Countries contracted, and shipping maintained, is one of the greatest monarchies, in forces truly esteemed, that hath been in the world. For certainly the kingdoms here on earth have a resemblance with the kingdom of heaven, which our Saviour compareth, not to any great kernel or nut, but to a very small grain, yet such an one as is apt to grow and spread; and such do I take to be the constitution of this kingdom; if indeed we shall refer our counsels to greatness and power, and not quench them too much with the consideration of utility and wealth. For mr. Speaker, was it not, think you, a true answer that Solon of Greece made to the rich king Cresus of Lydia, when she shewed unto him a great quantity of gold that he had gathered together, in ostentation of his greatness and might? But Solon said to him, contrary to his expectation, "Why, sir, if another come that hath better iron than you, he will be lord of all your gold." Neither is the authority of Machiavel to be despised, who scorneth that proverb of state, taken first from a speech of Mucianus, that moneys are the sinews of wars; and saith, "there are no true sinews of wars, but the very sinews of the arms of valiant men." Nay more, mr. Speaker, whosoever shall look into the seminaries and beginnings of the monarchies of the world, he shall find them founded in poverty. Persia, a country barren and poor, in respect of the Medes, whom they subdued. Macedon, a kingdom ignoble and mercenary until the time of Philip the son of Amyntas. Rome had poor and pastoral beginnings. The Turks, a band of Sarmatian Scythes, that in a vagabond manner made incursion upon that part of Asia, which is yet called Turcomania; out of which, after much variety of fortune, sprung the Ottoman family, now the terror of the world. So, we know, the Goths, Vandals, Alans, Huns, Lombards, Normans, and the rest of the northern people, in one age of the world made their descent or expedition upon the Roman empire, and came not, as rovers, to carry away prey, and be gone again; but planted themselves in a number of rich and fruitful provinces, where not only their generations, but their names remain to this day; witness Lombardy, Catalonia, a name compounded of Goth and Alan, Andalusia, a name corrupted from Vandalitia, Hungaria, Normandy, and others. Nay, the fortune of the Swisses of late years, which are bred in a barren and mountainous country, is not to be forgotten; who first ruined the duke of Burgundy, the same who had almost ruined the kingdom of France, what time, after the battle near Granson, the rich jewel of Burgundy, prized at many thousands, was sold for a few pence by a common Swiss, that knew no more what a jewel meant than did Æsop's cook. And again, the same nation in revenge of a scorn, was the ruin of the French king's affairs in Italy, Lewis XII. For that king, when he was pressed somewhat ruddily by an agent of the Switzers to raise their pensions, brake into words of choler: "What," said he, "will these villains of the mountains put a tax upon me?" Which words lost him his duchy of Milan, and chased him out of Italy. All which examples, mr. Speaker, do well prove Solon's opinion of the authority and mastery that iron hath over gold. And therefore, if I shall speak unto you mine own heart, methinks we should a little disdain that the nation of Spain, which howsoever of late it hath grown to rule, yet of ancient time served many ages; first under Carthage, then under Rome, after under Saracens, Goths, and others, should of late years take unto themselves that spirit as to dream of a monarchy in the west, according to that device, 'Video solem orientem in occidente,' only because they have ravished from some wild and unarmed people mines and store of gold; and on the other side that this island of Britain, seated and manned as it is, and that hath, I make no question, the best iron in the world, that is, the best soldiers in the world, shall think of nothing but reckonings and audits, and 'meum et tuum,' and I cannot tell what. Mr. Speaker, I have, I take it, gone through the parts which I propounded to myself, wherein if any man shall think that I have sung a placebo, for mine own particular, I would have him know that I am not so unseen in the world, but that I discern it were much alike for my private fortune to rest a tacebo, as to sing a placebo in this business: but I have spoken out of the fountain of my heart. 'Credidi propter quod locutus sum:' I believed, therefore I spake. So as my duty is performed: the judgment is yours; God direct it for the best."

*Sir Chris. Piggott reflects on the Scots—committed to the Tower—and expelled.*] These were all, or most of the arguments, used on both sides, in this day's debate; and we shall take notice of no more, being sufficient to shew the temper of both court and country party, in the house, on the subject of the Union. We cannot, however, avoid giving the Case of one member who was punished, by his brethren, for letting his tongue run too far in invective against the Scotish nation, in one of the days of debate. This was sir Christ. Piggott, one of the knights for the county of Bucks,* who, on the 18th of Feb. when some Memorandums

* He was elected upon the vacancy occasioned by sir Francis Goodwin's Resignation.—See Willis's Notitia Parliamentaria.

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about the Union were offered to be read, and a dispute arose, whether all at once or separately, this knight, with a loud voice, and not standing up with his hat off, as the order is, pressed to have them read generally, concurring in this with the opinion of several others. "But the house," say the Commons' Journals, "observing his manner of sitting and calling, for order's sake, urged him to stand up and speak, if he was desirous to make known his opinion. Upon which he arose, and pretending, at first, to deliver some reasons why he pressed the reading of the Remembrances, generally; he, afterwards, entered into a bye-matter of invective against the Scots and Scottish nation; using many words of scandal and obloquy, ill-beseeming such an audience, and not pertinent to the matter in hand. As, 'let us not join murderers, thieves, and the roguish Scots with the well-deserving Scots. As much difference between them as between a judge and a thief. He would speak his conscience without flattery of any creature whatsoever. They have not suffered above two kings to die in their beds, these 200 years. Our king hath hardly escaped them; they have attempted him. Now he is come from amongst them, let us free him from such atempts hereafter, &c.' The house, we are informed, were amazed at this speech that they stood staring at one another, and took no notice of it for that time, but let it pass without tax or censure. It was not till the 16th of Feb. that the house bethought themselves of this insolent Speech; when the words of offence contained in it, were particularly recited. But this seems to have been spurred up by a Message from the king, who said, "he did much mislike and tax the neglect of the house; in that the speech was not interrupted in the instant, and the party committed before it became public, and to his highness's ear." In excuse of this, it was answered, "That 'leves loquuntur curæ, ingentes stupunt;' and that it seemed to fall within that case, wherein Solomon's counsel was, 'not to give an answer;' but that the dislike appeared, evidently, by the 'mœstum silentium," which then was found in the house. It was then moved, That sir Christopher might be sent for, which was immediately done by the serjeant, with his mace.—After the Serjeant was gone for the Offender, many motions and questions ensued upon it. The prisoner being set to the bar, laboured to explain the words uttered by him; and to clear himself from malice and disloyalty. Which the house did not much regard; but, being commanded out, they debated what punishment they should fix upon him. The Tower was first named, and also a dismission from his place in the house. Much dispute arose about this last affair; at length being agreed, the offender was called in again, and kneeling, the Speaker pronounced this judgment upon him, viz. "That since his offence was so apparently heinous, the house did not hold it fit that any particulars should be named, or to give a reason for their judgment; but their order was, That he should be carried to the prison of the Tower, there to remain during the pleasure of the house; That he should be dismissed from his place of knight of the shire for Bucks, and a writ issued out for a new choice." Accordingly his warrant for commitment, and a new writ, were made out, the form of both which are entered in the Journals.

After the prisoner had remained some time in the Tower, he sent a letter to a relation of his, a member of the same house, complaining of his ill state of health, occasioned by his confinement; and begged of him to intercede with the Commons for his release. Much dispute arose, about the manner of his enlargement, and whether they ought to acquaint the king with it; much fear was had about their privileges, because he was committed by an express order of the house. At last, the Speaker undertook this matter with the king; and the next day reported this Message from his maj. about it. "That he had taken notice of the Motion and Petition, made in the house, for the releasement of sir Christ. Piggott, and said, "That out of an ill cause there might grow a good effect, That the speech was very rash, and unadvised at the first, and that the silence of the house might have bred some ill conceit; but his maj. is far from opinion, that it received allowance from any member in the house, interpreting always, that the cause of their forbearance was, lest it might be any interruption to the business in hand. But since, he is more absolutely satisfied with their carriage: 1. In that they have not charged him with particulars, but have put the words in oblivion. 2. That they have proceeded against him to the height of justice. 3. That they have not been willing to proceed with his enlargement, until he might take notice of it. That, as in the last session, he had taken true heart's content, in the manner of granting the Subsidy, and for that did think them well-deserving his thanks; so, in this unhappy business, it pleaseth him so well, that he again returns them thanks for it. For the motion, as at the first, he conceived, they proceeded to his punishment with great judgment; so will he not now assume to himself any power, but leave it to the same judgment for mercy; and, if they think good, wisheth he may be freed from the prison, and dispose himself in some fitter place for his health."—After this was heard, a motion ensued, That sir Christopher might be restored to his place in the House again, which was not assented to; but it was presently ordered, that he should be enlarged; and a warrant was directed to the lieut. of the Tower for that purpose.

During these contests in the Lower House, the king took all possible pains, by Messages, &c. to keep them together and make them uniform. Many of the members had slipped into the country, or neglected the service, as disliking the business they were upon. A call of the house was therefore ordered; but be-

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fore that took place, the king called both houses before him, to Whitehall, March 31, in order to reconcile their differences, and spoke to them as follows:—

*The King's Speech to both Houses for hastening the Union.*] "My lords of the higher house, and you knights and burgesses of the lower house: All men, at the beginning of a feast, bring forth good wine first, and after worse: this was the saying of the governor of the feast at Cana in Galilee, where Christ wrought his first miracle, by changing water into wine; but in this case now, whereof I am to speak unto you, I must follow that governor's rule, and not Christ's example, in giving you the worst and sourest wine last. For all the time of this long session of the parl. you have been so fed and cloyed (specially you of the Lower House) with such banquets, and choice of delicate speeches, and your ears so seasoned with the sweetness of long precogitate orations, as this my speech, now in the breaking-up of this assembly, cannot but appear unto your taste as the worst wine, proposed at the end of the banquet; since I am only to deliver now unto you matter, without curious form; substance, without ceremony; truth, in all sincerity. Yet, considering the person that speaketh, the parties to whom I speak, the matter whereof I mean to speak, it fits better to utter matter rather than words; in regard of the greatness of my place, who am to speak to you; the gravity of you the auditory, which is the high court of parl. the weight of the matter, which concerns the security and establishment of this whole empire and little world. Studied orations, and much eloquence upon little matter, is fit for the Universities; where not the subject that is spoken of, but the trial of his wit that speaketh, is most commendable; but, on the contrary, in all great councils of parliaments, fewest words, with most matter, do become best; where the dispatch of the great errands in hand, and not the praise of the person, is most to be looked unto; like the garment of a chaste woman, who is only set forth by her natural beauty, which is properly her own; other deckings are but ensigns of an harlot, that flies with borrowed feathers. And besides the conveniency, I am forced hereunto by necessity, my place calling me to action, and not leaving me to the liberty of contemplation; having always my thoughts busied with the public care of you all; where every one of you, having but himself and his own private to think of, are at more leisure to make studied speeches. And therefore the matter, which I deliver you confusedly, as in a sack, I leave it to you, when you are in your chambers, and have better leisure than I can have, to rank them in order, every one in their own place. Thus much by way of Preface; but I proceed to the Matter: whereof I might say, with st. Paul, I could speak in as many tongues as you all; but I had rather speak three words to edification, than talk a day without understanding. In vain (saith the psalmist) doth the builder build the house, or the watchman watch the city, unless the Lord give his blessing thereunto; and, in the New Testament, st. Paul saith, that he may plant, Apollos may water; but it is God only that must give the increase. This I speak, because of the long time, which hath been spent about the Treaty of the Union. For myself, I protest unto you all, when I first propounded the Union, I then thought there could have been no more question of it, than of your declaration and acknowledgment of my right unto this crown; and that, as two twins, they would have grown up together. The error was my mistaking; I knew mine own end, but not others' fears. But now, finding many crosses, long disputations, strange questions, and nothing done, I must needs think it proceeds, either of mistaking of the errand, or else from some jealousy of me the propounder, that you so add delay unto delay; searching out, as it were, the very bowels of curiosity, and conclude nothing. Neither can I condemn you, for being yet in some jealousy of my intention in this matter; having not yet had so great experience of my behaviour and inclination, in these few years past, as you may peradventure have in a longer time hereafter; and not having occasion to consult daily with myself, and hear mine own opinion in all those particulars which are debated among you. But here, I pray you now, mistake me not at the first, when as I seem to find fault with your delays and curiosity, as if I would have you to resolve, in an hour's time, that which will take a month's advisement; for you all know, that *rex est lex loquens;* and you have oft heard me say, that the king's will and intention, being the speaking law, ought to be *luce clarius:* and I hope you of the Lower House have the proof of this my clearness, by a bill sent you down from the Upper House within these few days, or rather few hours; wherein may very well appear unto you the care I have, to put my subjects in a good security of their possessions for all posterities to come. And therefore, that you may clearly understand my meaning in that point, I do freely confess, you had reason to advise at leisure upon so great a cause; for great matters do ever require great deliberation, before they be well concluded. 'Deliberandum est diu, quod statuendum est semel'. Consultations must proceed lento pede; but the execution of a sentence upon the resolution would be speedy. If you will go on, it matters not, though you go with leaden feet, so you make still some progress, and that there be no left, nor needless delay; and do not 'nodum in scirpo quærere.' I am ever for the medium in every thing. Between foolish rashness, and extreme length, there is a middle way. Search all that is reasonable; but omit that, which is idle, curious, and unnecessary; otherwise there can never be a resolution or end in any good work. And now from the General I will descend to the Particulars; and will, only

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for the ease of your memories, divide the matter, that I am to speak of, into four Heads; by opening unto you, 1st, what I crave; 2ndly, in what Manner I desire it; 3dly, what Commodities will ensue to both the kingdoms by it; 4thly, what the supposed Inconveniency may be that gives Impediments thereunto.—For the first, what I crave; I protest before God, who knows my heart, and to you my people, before whom it were a shame to lye, that I claim nothing, but with acknowledgment of my bond to you; that, as ye owe to me subjection and obedience, so my sovereignty obligeth me to yield, to your love, government and protection: neither did I ever wish any happiness to myself, which was not conjoined with the happiness of my people. I desire a perfect Union of Laws and Persons, and such a Naturalizing, as may make one body of both kingdoms, under me your king; that I, and my posterity (if it so please God) may rule over you to the world's end; such an Union, as was of the Scots and Picts in Scotland, and of the Heptarchy here in England. And for Scotland, I avow such an Union, as if you had got it by conquest; but such a conquest, as may be cemented by love, the only sure bond of subjection or friendship: that as there is over both but *unus rex*; so there may be in both but *unus grex, et una lex*: for no more possible is it for one king to govern two countries contiguous, the one a greater, the other a less; a richer, and a poorer; the greater drawing, like an adamant, the lesser to the commodities thereof; than for one head to govern two bodies, or one man to be husband of two wives; whereof Christ himself said, 'Ab Initio non fuit sic.'—But in the general Union you must observe two things; for I will discover my thoughts plainly unto you: I study clearness, not eloquence; and therefore, with the old philosopher, I would heartily wish, my breast were a transparent glass, for you all to see through, that you might look into my heart, and then would you be satisfied of my meaning. For when I speak of a perfect Union, I mean not confusion of all things: you must not take from Scotland those particular privileges, that may stand as well with this Union, as in England many particular Customs, in particular shires (as the Customs of Kent, and the royalties of the county palatine of Chester) do with the Common Law of the kingdom: for every particular shire almost, and much more every country, have some particular Customs, that are, as it were, naturally most fit for that people: but I mean of such a general Union of laws, as may reduce the whole island; that, as they live already under one monarch, so they may all be governed by one law: for I must needs confess, by that little experience I have had since my coming hither, and I think I am able to prove it, that the grounds of the Common law of England are the best of any law in the world, either civil or municipal, and the fittest for this people. But as every law would be clear, and full; so the obscurity in some points of this our written law, and want of fulness in others, the variation of cases, and men's curiosity, breeding every day new questions, hath enforced the judges to judge, in many cases here, by cases and precedents; wherein, I hope, lawyers themselves will not deny, but that there must be a great uncertainty; and I am sure all the rest of you, that are gentlemen of other professions, were long ago weary of it, if you could have had it amended: for where there is variety, and uncertainty, although a just judge may do rightly, yet an ill judge may take advantage to do wrong; and then are all honest men, that succeed him, tied, in a manner, to his unjust and partial conclusions. Wherefore leave not the law to the pleasure of the judge, but let your laws be looked into: for I desire not the abolishing of the laws, but only the clearing and the sweeping of the rust of them; and that by parl. our laws might be cleared, and made known to all the subjects. Yea rather, it were less hurt, that all the approved Cases were set down, and allowed by parl. for standing laws in all time to come: for although some of them, peradventure, may be unjust, as set down by corrupt judges; yet better it is to have a certain law, with some spots in it, nor live under such an uncertain and arbitrary law; since, as the proverb is, 'it is less harm to suffer an inconvenience, than a mischief.' And now may you have fair occasions of amending and polishing your laws, when Scotland is to be united with you under them: for who can blame Scotland, to say, If you will take away our own laws, I pray you give us a better and clearer in place thereof. But this is not possible to be done, without a fit preparation. He that buildeth a ship, must first provide the timber; and, as Christ himself said, 'No man will build an house, but he will first provide the materials; nor a wise king will not make war against another, without he first make provision of money:' and all great works must have their preparation; and that was my end, in causing the instrument of the Union to be made. Union is a marriage: would he not be thought absurd, that, furthering of a marriage between two friends of his, would make his first motion to have the two parties be laid in bed together, and perform the other turns of marriage? Must there not precede the mutual sight and acquaintance of the parties one with another; the conditions of the contract, and jointure, to be talked of, and agreed upon, by their friends; and such other things, as in order ought to go before the ending of such a work? The Union is an eternal agreement and reconciliation of many long, bloody wars, that have been between these two ancient kingdoms. It is the readiest way to agree a private quarrel between two, to bring them, at the first, to shake hands, and, as it were, kiss other, and lie under one roof, or rather in one bed together, before that first the ground of their quarrel be com-

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muned upon, their minds mitigated, their affections prepared, and all other circumstances first used, that ought to be used, to proceed to such a final agreement. Every honest man desireth a perfect Union; but they that say so, and admit no preparation thereto, have *mel in ore, fel in corde*. If after your so long talk of Union, in all this long session of parl. ye rise, without agreeing upon any particular; what will the neighbour princes judge, whose eyes are all fixed upon the conclusion of this action, but that the king is refused in his desire; whereby the nation should be taxed, and the king disgraced? And what an ill preparation is it for the minds of Scotland toward the Union, when they shall hear, that ill is spoken of their whole nation; but nothing is done nor advanced in the matter of the Union itself? But this, I am glad, was but the fault of one; and one is no number: yet have your neighbours of Scotland this advantage of you, that none of them hath spoken ill of you (nor shall, as long as I am king) in parl. or any such public place of judicature. Consider therefore well, if the minds of Scotland had not need to be well prepared, to persuade their mutual consent, seeing you here have all the great advantage by the Union: is not here the personal residence of the king; his whole Court and Family? Is not here the Seat of Justice, and the Fountain of Government; Must they not be subjected to the laws of England, and so, with time, become but as Cumberland, and Northumberland, and those other remote and northern shires? You are to be the husband, they the wife; you conquerors, they as conquered; though not by the sword, but by the sweet and sure bond of love: besides that they, as other northern countries, will be seldom seen and saluted by their king; and that, as it were, but in a posting or hunting journey. How little Cause then they may have of such a change of so ancient a monarchy into the case of private shires, judge rightly herein; and, that you may be the more upright judges, suppose yourselves the patients, of whom such sentence should be given. But what preparation is it which I crave? Only such, as, by the entrance, may shew something is done, yet more is intended. There is a conceit entertained, and a double jealousy possesseth many, wherein I am mis-judged; 1st, that this Union will be the crisis to the overthrow of England, and setting up of Scotland: England will be then overwhelmed by the swarming of the Scots, who, if the Union were affected, would reign, and rule all. The 2d is my profuse liberality to the Scottishmen, more than the English; and that, with this Union, all things shall be given to them, and you turned out of all: to you shall be left the sweat, and labour; to them shall be given the fruit, and sweet: and that my forbearance is but till this Union may be gained. How agreeable this is to the truth, judge you; and that, not by my word, but by my actions. Do I crave the Union, without exceptions? Do I not offer to bind myself, and to reserve to you, as in the Instrument, all places of Judicature? Do I intend any thing, which standeth not with the equal good of both nations? I could then have done it, and not spoken of it; for all men of understanding must agree, that I might dispose, without assent of parl. offices of judicature, and others, both ecclesiastical and temporal: but herein I did voluntarily offer, by my letters from Royston to the commissioners, to bind my prerogative. Some think, that I will draw the Scottish nation hither; talking idlely of transporting of trees out of a barren ground into a better; and of lean cattle out of bad pasture into a more fertile soil. Can any man displant you, unless you will? Or can any man think, that Scotland is so strong, to pull you out of your houses? Or do you not think, I know England hath more people; Scotland more waste ground; so that there is roumth in Scotland, rather to plant your idle people, that swarm in London streets, and other towns, and disburthen you of them, than to bring more unto you? and in cases of justice, if I be partial to either side, let my own mouth condemn me, as unworthy to be your king. I appeal to yourselves, if in favour or justice I have been partial: nay, my intention was ever, you should then have most cause to praise my discretion, when you saw I had most power. If hitherto I have done nothing to your prejudice, much less mean I hereafter. If when I might have done it, without any breach of promise; think so of me, that much less I will do it, when a law is to restrain me. I owe no more to the Scottishmen than to the English: I was born there, and sworn here; and now reign over both. Such particular persons of the Scottish nation, as might claim any extraordinary merit at my hands, I have already reasonably rewarded; and I can assure you, that there is none left, for whom I mean extraordinary to strain myself, further than in such ordinary benefit, as I may equally bestow, without mine own great hurt, upon any subject, or either nation; in which case, no king's hands can ever be fully closed. To both I owe justice, and protection; which, with God's grace, I shall ever equally balance. For my liberality, I have told you of it heretofore: my three first years were to [them] as a Christmas: I could not then be miserable. Should I have been oversparing to them, they might have thought, Joseph had forgotten his Brethren; or that the king had been drunk with his new kingdom. But Suits go not so cheap, as they were wont; neither are there so many fees taken in the Hamper and Petty-Bag, for the Great-Seal, as hath been; and if I did respect the English, when I came first, of whom I was received with joy, and came as in a hunting journey; what might the Scottish have justly said, if I had not, in some measure, dealt bountifully with them, that so long had served me, so far adventured themselves with me, and been so faithful to me? I have given you

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now four years proof, since my coming; and what I might have done more, to have raised the Scottish nation, you all know; and the longer I live, the less cause have I to be acquainted with them, and so the less hope of extraordinary favour towards them: for, since my coming from them, I do not already know the one half of them by face; most of the youth being now risen up to be men, who were but children, when I was there; and more are born since my coming thence. Now, for my lands, and revenues of my crown, which you may think I have diminished; they are not yet so far diminished, but that I think no prince in Christendom hath fairer possessions to his Crown, than yet I have; and, in token of my care to preserve the same to my posterity for ever, the entail of my Lands to the Crown hath been long ago offered unto you; and that it is not yet done, is not my fault, as you know. My Treasurer here knoweth my care, and hath already, in part, declared it; and if I did not hope to treble my revenue more than I have impaired it, I should never rest quietly in my bed. But, notwithstanding my coming to the crown with that extraordinary applause, which you all know, and that I had two nations to be the objects of my liberality, which never any prince had here before: will you compare my gifts, out of mine inheritance, with some princes here, that had only this nation to respect; and whose whole time of reign was little longer than mine hath been already; it will be found, that their gifts have far surpassed mine, albeit, as I have already said, they had nothing so great cause of using their liberality. 2ndly, for the Manner of the Union, presently desired, it standeth in three parts: the 1st, taking away of hostile Laws: for since there can be no wars betwixt you, is it not reason, hostile Laws should cease? For, 'deficiente causa, deficit effectus.' The king of England now cannot have Wars with the king of Scotland; therefore this fails of itself. The 2d is, Community of Commerce. I am no stranger unto you; for you all know, I came from the loins of your ancient kings. They of Scotland be my subjects as you are; but how can I be natural liege lord to you both, and you strangers one to the other? Shall they, which be of one allegiance with you, be no better respected of you, nor freer amongst you, than Frenchmen and Spaniards? Since I am sovereign over you both; as subjects to one king, it must needs follow, that you converse and have commerce together. There is a rumour of some ill dealings, that should be used by the commissioners, merchants of Scotland. They be here in England, and shall remain till your next meeting, and abide trial, to prove themselves, either honest men, or knaves. 3rdly, for the third point, of Naturalization; all you agree, that they are no aliens, and yet will not allow them to be natural. What kind of prerogative will you make? But for the 'post-nati,' your own lawyers and judges, at my first coming to this crown, informed me, there was a difference between the 'ante' and the 'post-nati' of each kingdom; which caused me to publish a proclamation, that the 'post-nati' were naturalized 'ipso facto' by the Accession to this crown. I do not deny, but judges may err, as men; and therefore I do not press you here to swear to all their reasons: I only urge, at this time, the conveniency for both kingdoms; neither pressing you to judge, nor to be judged: but remember also, it is as possible, and likely, your own lawyers may err, as the Judges. Therefore, as I wish you to proceed here in so far as may tend to the weal of both nations; so would I have you, on the other part, to beware to disgrace, either my proclamation, or the Judges; who, when the parl. is done, have power to try your lands and lives; for so you may disgrace both your king and your laws: for the doing of any act, that may procure less reverence to the Judges, cannot but breed a looseness in the govt. and a disgrace to the whole nation. The reason, that most moves me, for ought I have yet heard, that there cannot but be a difference between the 'ante-nati' and the 'post-nati,' and that in the favour of the last, is, that they must be nearer unto you, being born under the present govt. and common allegiance. But in point of conveniency, there is no question, but the 'post-nati' are more to be respected; for if you would have a perfect and perpetual Union, that cannot be in the 'ante-nati,' who are but few in comparison of those, that shall be in all ages succeeding, and cannot live long; but in the 'post-nati' shall the Union be continued, and live ever, age after age; which, wanting a difference, cannot but leave a perpetual mark of separation in the work of the Union: as also that argument of jealousy will be so far removed in the case of the 'post-nati,' which are to reap the benefit in all succeeding ages, as, by the contrary, there will then arise Pharaohs, which never knew Joseph; the kings, my successors, who, being born and bred here, can never have more occasion of acquaintance with the Scottish nation in general, than any other English king, that was before my time. Be not therefore abused with the flattering speeches of such, as would have the 'ante-nati' preferred; alledging their merit in my service, and such other reasons, which indeed are but sophisms: For my rewarding, out of my liberality, of any particular men, hath nothing adoe with the general act of the Union which must not regard the deserts of private persons, but the general weal and conjoining of the nations. Besides that, the actual Naturalising, which is the only point that is in your hands, is already granted to by yourselves to the most part of such particular persons as can have any use of it here; and if any other well-deserving men were to sue for it hereafter, I doubt not but there would never be question moved among you, for the granting of it. And therefore it is most



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evident, that such discoursers have 'mel in ore, fel in corde,' as I said before; carrying an outward appearance of love to the Union, but indeed a contrary resolution in their hearts. As for Limitations, and Respectations, such as shall by me be agreed upon to be reasonable and necessary, after you have fully debated upon them; you may assure yourselves, I will with indifferency grant what is requisite, without partial respect of Scotland. I am, as I have often said, born and sworn king over both kingdoms: only thus far let me intreat you, in debating the point at your next meeting, that ye be as ready to resolve doubts as to move them, and to be satisfied when doubts are cleared. And as for the Commodities, that come by the Union of these kingdoms, they are great and evident; peace, plenty, love, free intercourse, and common society of two great nations. All foreign kings, that have sent their ambassadors to congratulate with me, since my coming, have saluted me as monarch of the whole isle, and with much more respect of my greatness than if I were king alone of one of these realms: and with what comfort do yourselves behold Irish, Scottish, Welch, and English, divers in nation, yet all walking as subjects and servants within my court, and all living under the allegiance of your king; besides the honour and lustre that the increase of gallant men in the court, of divers nations, carries in the eyes of all strangers that repair hither? Those confining places, which [were] the borders of the two kingdoms; where heretofore much blood was shed, and many of your ancestors lost their lives; yea, that lay waste and desolate, and were habitations but for runagates; are now become the navel or umbilick of both kingdoms, planted and peopled with civility and riches: their churches begin to be planted; their doors stand now open; they fear neither robbing nor spoiling; and where there was nothing before heard nor seen in those parts but bloodshed, oppressions, complaints, and outcries, they now live every man peaceably under his own fig-tree; and all their former cries and complaints turned only into prayers to God for their king, under whom they enjoy such ease and happy quietness. The Marches, beyond and on this side Tweed, are as fruitful and as peaceable as most parts of England. If, after all this, there shall be a scissure, what inconvenience will follow, judge you. And as for the Inconveniences that are feared on England's part, it is alledged, that the Scots are a populous nation; they shall be harboured in our nest; they shall be planted and flourish in our good soil; they shall eat our commons bare, and make us lean. These are foolish and idle surmises. That, which you possess, they are not to enjoy; by law they cannot, nor by my partiality they shall not: for, set apart conscience and honour (which if I should set apart indeed, I had rather wish myself to be set apart, and out of all being) can any man conclude, either out of common reason or good policy, that I will prefer those which perhaps I shall never see, or but by post, for a month, before those with whom I must always dwell? Can they conquer or overcome you with swarms of people, as the Gothes and the Vandals did Italy? Surely the world knows, they are nothing so populous as you are; and although they have had the honour and good fortune never to be conquered; yet were they ever but upon the defensive part, and may in a part thank their hills and inaccessible passages, that preserved them from an utter overthrow, at the hands of all that pretended to conquer them. Or are they so very poor and miserable in their own habitations, that necessity should force them all to make incursions among you? And for my part, when I have two nations under my govt. can you imagine, I will respect the lesser, and neglect the greater? Would I not think it a less evil and hazard to me, that the plague were at Northampton, or Berwick, than at London, so near Westminster, the seat of my habitation, and of my wife and children? Will not a man be more careful to quench the fire taken in his nearest neighbour's house, than if a whole town were a-fire afar from him? You know that I am careful to preserve the woods and game throughout all England, nay, through all the isle; yet none of you doubts, but that I would be more offended with any disorder in the forest of Waltham, for stealing of a stag there, which lieth as it were under my nose, and in a manner joineth with my garden, than with cutting of timber, or stealing of a deer, in any forest of the north parts of Yorkshire, or the bishoprick. Think you, that I will prefer them that be absent, less powerful, and farther off, to do me good or hurt, before you, with whom my security and living must be, and where I desire to plant my posterity? If I might, by any such favours, raise myself to a greatness, it might be probable: all I cannot draw; and to lose a whole state here, to please a few there, were madness. I need speak no more of this with protestations: speak but of a wit, it is not likely; and to doubt of my intention in this, were more than devilish. For mine own part, I offer more than I receive; and conveniency I prefer before law, in this point. For three parts, wherein I might hurt this nation, by partiality to the Scots, you know, do absolutely lie in my hands and power: for either in Disposition of Rents, or whatsoever benefit, or in the preferring of them to any dignity or office, civil or ecclesiastical, or in calling them to the parl.; it doth all fully and only lie within the compass of my prerogative; which are the parts wherein the Scottishmen can receive either benefit or preferment by the Union; and wherein, for the care I have of this people, I am content to bind myself with some reasonable restrictions. As for the fourth part, the Naturalizing, which only lieth in your hands; it is the point wherein they receive least benefit of any: for in that they can obtain nothing but what they

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buy by their purse, or acquire by the self-same means that you do. And as for the point of Naturalizing, which is the point thought so fit, and so precisely belonging to parl.; not to speak of the Common Law, wherein as yet I can profess no great knowledge, but in the Civil Law, wherein I am a little better versed, and which, in the point of conjunction of nations, should bear a great sway, it being the Law of Nations; I will maintain two principles in it, which no learned and grave civilian will deny; as being clearly to be proved, both out of the text itself, in many places, and also out of the best approved doctors and interpreters of that law: the one, that it is a special point of the king's own prerogative, to make aliens citizens, and 'donare civitate:' the other, that in any case, wherein the law is thought not to be cleared (as some of yourselves do doubt, that in this case of the 'postnati' the law of England doth not clearly determine) then in such a question, wherein no positive law is resolute, 'rex est judex;' for he is 'rex loquens,' and is to supply the law, where the law wants: and if many famous histories be to be believed, they give the example for maintaining of this law in the persons of the kings of England and France especially, whose special prerogative they alledge it to be. But this I speak only as knowing what belongeth to a king; although in this case I press no further than that which may agree with your loves, and stand with the weal and conveniency of both nations. And whereas some may think this Union will bring prejudice to some towns and corporations within England; it may be, a merchant or two of Bristol or Yarmouth may have an hundred pounds less in his pack; but if the empire gain, and become the greater, it is no matter. You see one corporation is ever against another; and no private company can be set up but with some loss to another. Fourth: for the supposed Inconveniences rising from Scotland, they are three: 1st, that there is an evil affection in the Scottish nation to the Union: next, the Union is incompatible between two such nations: 3rdly, that the gain is small, or none: if this be so, to what end do we talk of an Union?—For proof of the 1st point, there is alledged an aversness in the Scottish nation, expressed in the Instrument, both in the preface and body of their act: in the preface, where they declare, that they will remain an absolute and free monarchy; and in the body of the act, where they make an exception of the ancient fundamental laws of that kingdom.—And 1st, for the general, of their aversness. All the main current in your Lower House ran this whole session of parl. with that opinion, that Scotland was so greedy of this Union, and apprehended, that they should receive so much benefit by it, as they cared not for the strictness of any conditions, so they might attain to the substance; and yet you now say, they are backwards, and averse from the Union. This is a direct contradiction 'in adjecto:' for how can they both be beggars and backwards, in one and the self-same thing, at the same time?—But, for Answer to the Particulars, it is an old shool point, 'ejus est explicare, cujus est condere:' you cannot interpret their laws, nor they yours: I, that made them, with their assent, can best expound them.—And 1st, I confess, that the English parliaments are so long, and the Scottish so short, that a mean between them would do well: for the shortness of their continuing together was the cause of their hasty mistaking, by setting these words, of exception of fundamental laws, in the body of the act; which they only did, in pressing to imitate, word by word, the English Instrument, wherein the same words be contained in your Preface. And as to their meaning and interpretation of that word; I will not only deliver it unto you, out of mine own conceit, but as it was delivered unto me by the lawyers of Scotland, both counsellors, and other lawyers, who were at the making thereof in Scotland, and were commissioners here for performance of the same.—Their meaning in the word, of fundamental Laws, you shall perceive more fully hereafter, when I handle the Objection of the Difference of the Laws; for they intend thereby only those laws, whereby confusion is avoided, and their kings descent maintained, and the heritage of the succession and monarchy, which hath been a kingdom, to which I descent, 300 years before Christ; not meaning it, as you do, of their Common Law; for they have none, but that which is called 'jus regis:' and their desire of continuing a free monarchy, was only meant, that all such particular privileges (whereof I spake before) should not be so confounded, as, for want either of magistrate, law, or order, they might fall into such a confusion, as to become like a naked province, without law or liberty, under this kingdom. I hope you mean not, I should set garrisons over them, as the Spaniards do over Sicily and Naples; or govern them by commissioners, which are seldom found succeedingly all wise and honest men. This I must say for Scotland, and may truly vaunt it; here I sit, and govern it with my pen; I write, and it is done; and by a clerk of the council I govern Scotland now, which others could not do by the sword. And for their aversness in their heart against the Union; it is true indeed, I protest, they did never crave this Union of me, nor sought it, either in private, or the state by letters, nor ever once did any thing of that nation press me forward, or wish me to accelerate that business; but on the other part, they offered always to obey me, when it should come to them; and all honest men, that desire my greatness, have been thus minded, for the personal reverence and regard they bear unto your person, and any of my reasonable and just desires. I know there are many bigots amongst them, I mean a number of seditious and discontented particular persons, as must be in all commonwealths, that where they dare, may peradventure talk lewdly

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enough; but no Scottishman ever spake dishonourably of England in parl. For here must I note unto you the difference of the two parliaments in these two kingdoms: for there they must not speak, without the chancellor's leave: and if any man do propound or utter any seditious or uncomely speeches, he is straight interrupted and silenced by the chancellor's authority, whereas here, the liberty for any man to speak what he list, and as long as he list, was the only cause he was not interrupted.—It hath been objected, that there is an antipathy of the Laws and Customs of these two nations. It is much mistaken; for Scotland hath no Common Law, as here; but the law they have, is of three sorts:—All the Law of Scotland for Tenures, Wards and Liveries, Signiories, and Lands, are drawn out of the chancery of England; and for matters of Equity, and in many things else, differs from you, but in certain terms. James I. bred here in England, brought the laws thither, in a written hand.—The 2nd is Statute Laws, which be their acts of parl.; wherein they have power, as you, to make and alter laws; and those may be looked into by you; for I hope you shall be no more strangers to that nation: and the principal work of this Union will be to reconcile the statute laws of both kingdoms.—The 3rd is the Civil Law. James V. brought it out of France, by establishing the sessions there, according to the form of the Court of Parliament of France, which he had seen in the time of his being there; who occupy there the place of civil judges, in all matters of plea or controversy; yet not to govern absolutely by the Civil Law, as in France. For if a man plead, that the law of the nation is otherwise, it is a bar to the Civil; and a good chancellor, or president, will oftentimes repel, and put to silence and argument, that the lawyers bring out of the Civil Law, where they have a clear solution in their own law: so as the Civil Law, in Scotland, is admitted in no other cases, but to supply such cases, wherein the Municipal Law is defective. Then may you see, it is not so hard a matter, as is thought, to reduce that country to be united with you under this law; nor yet have any old common law of their own, but such as, in effect, is borrowed from yours. And for their Statute Laws in parl. you may alter and change them, as often as occasion shall require, as you do here. It hath likewise been objected, as another Impediment, that, in the parl. of Scotland, the king hath not a negative voice, but must pass all the laws agreed on by the lords and commons. Of this I can best resolve you: for I am the eldest parliament man in Scotland, and have sat in more parliaments than any of my predecessors. I can assure you, that the Form of Parliament there is nothing inclined to popularity. About a 20 days, or such a time, before the parl. proclamation is made throughout the kingdom, to deliver into the king's Clerk of Register (whom you here call the Master of the Rolls) all bills to be exhibited that session, before a certain day. Then are they brought unto the king, and perused, and considered by him; and only such, as I allow of, are put into the chancellor's hands, to be propounded to the parl. and none others: and if any man in parl. speak of any other matter, than is in this Form first allowed by me; the chancellor tells him, there is no such bill allowed by the king. Besides, when they have passed them for laws, they are presented unto me, and, with my sceptre put into my hand by the chancellor, I must say, I ratify and approve all things done in this present parl. and if there be any thing, that I dislike, they rase it out before. If this may be called a negative voice, then I have one, I am sure, in that parl. The last Impediment is the French Liberties; which are thought so great, as, except the Scots forsake France, England cannot be united to them. If the Scottish nation would be so unwilling to leave them, as is said, it would not lie in their hands; for the League was never made between the people, as is mistaken, but betwixt the princes only, and their crowns. The beginning was by a Message from a king of France (Charlemagne, I take it; but I cannot certainly remember) unto a king of Scotland, for a League Defensive and Offensive, between us and them, against England; France being at that time in wars with England. The like, at that time, was then desired by England against France; who also sent their ambassadors to Scotland. At the first, the disputation was long maintained in favour of England; that they being our nearest neighbours, joined in one continent, and a strong and powerful nation, it was more fit, for the weal and security of the state of Scotland, to be in league and amity with them, than with a country, though never so strong, yet divided by sea from us; especially England lying betwixt us and them, where we might be sure of a sudden mischief, but behoved to abide the hazard of wind and weather, and other accidents, that might hinder our relief. But after, when the contrary part of the argument was maintained; wherein allegation was made, that England ever sought to conquer Scotland, and therefore, in regard of their pretended interest in the kingdom, would never keep any sound amity with them, longer than they saw their advantage; whereas France, lying more remote, and claiming no interest in the kingdom, would therefore be found a more constant friend; it was unhappily concluded in favour of the last party; through which occasion, Scotland got many mischiefs after. And it is, by the very tenor thereof, ordered to be renewed and confirmed, from king to king, successively; which accordingly was ever performed by the mediation of their ambassadors, and therefore merely personal; and so was it renewed in the queen my mother's time, only between the two kings, and not by assent of parl. or convention of three estates, which it could never have wanted, if it had been a

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league between the people. And in my time, when it came to be ratified, because it appeared to be *in odium tertii*, it was by me left unrenewed or confirmed, as a thing incompatible to my person, in consideration of my title to this crown. Some Privileges indeed, in the merchants favour, for point of commerce, were renewed and confirmed in my time; wherein, for my part of it, there was scarce three counsellors more than my secretary, to whose place it belonged, that meddled in that matter. It is true, that it behooved to be enterined (as they call it) in the Court of Parliament of Paris; but that only serves for publication, and not to give it authority; that parl. as you know, being but a judicial seat of judges and lawyers, and nothing agreeing with the definition or office of our parliaments in this isle. And therefore, that any fruits or privileges, possessed by the League with France, is able now to remain in Scotland, is impossible; for ye may be sure, that the French king stays only upon the sight of the ending of this Union, to cut it off himself: otherwise, when this great work were at an end, I would be forced, for the general care I owe to all my subjects, to crave of France like privileges to them all, as Scotland already enjoys; seeing the personal friendship remains as great between us, as between our progenitors, and all my subjects must be alike dear unto me; which either he will never grant, and so all will fall to the ground; or else it will turn to the benefit of the whole island: and so the Scottish Privileges cannot hold longer, than my league with France lasteth. And for another argument, to prove, that this League is only between the Kings, and not between the People; they, which have pensions, or are privy intelligence-givers in France, without my leave, are in no better case by the law of Scotland, than though pensioners to Spain. As for the Scottish Guard in France, the beginning thereof was, when an earl of Boghan was sent in aid of the French, with 10,000 men; and there being made constable, and having obtained a victory, was murthered, with the most of the Scottish army. In recompence whereof, and for a future security to the Scottish nation, the Scottish Guard was ordained to have the privilege and prerogative, before all other Guards, in guarding the king's person. And as for the last point of this subdivision, concerning the Gain, that England may make by this Union; I think no wise, nor honest man will ask any such question. For who is so ignorant, that doth not know, the gain will be great? Do you not gain by the Union of Wales? And is not Scotland greater than Wales? Shall not your dominions be increased, or lands, seas, and persons, added to your greatness? And are not your lands and seas adjoining; For who can set down the limits of the Borders, but as a mathematical line or idea? Then will that back-door be shut, and those ports of Janus be for ever closed: you shall have those, that were your enemies to molest you, a sure back to defend you; their bodies shall be your aids, and they must be partners in all your quarrels. Two snowballs put together, make one the greater; two houses joined, make one the larger; two castle-walls, made in one, makes one as thick and strong as both. And do you not see, in the Low Countries, how available the English and the Scottish are, being joined together? This is a point so plain, as no man, that hath wit or honesty, but must acknowledge it feelingly. And where it is objected, that the Scottishmen are not tied to the service of the king in the wars, above 40 days; it is an ignorant mistaking: for the truth is, that, in respect the kings of Scotland did not so abound in treasure and money, to take up an army under pay, as the kings of England did; therefore was the Scottish army wont to be raised only by proclamation, upon the penalty of their breach of allegiance; so as they were all forced to come to the war, like snails, who carry their house about with them; every nobleman and gendeman bringing with them their tents, money, provision for their house, victuals of all sorts, and all other necessaries, the king supplying them of nothing: necessity thereupon enforcing a warning to be given, by the proclamation, of the space of their attendance, without which, they could not make their provision accordingly; especially as long as they were within the bounds of Scotland, where it was not lawful for them to help themselves by the spoil or wasting the country. But neither is there any law, prescribing precisely such a certain number of days; nor yet is it without the limits of the king's power, to keep them together as many more days as he list; to renew his proclamations, from time to time, some reasonable number of days before the expiring of the former; they being ever bound to serve and wait upon him, though it were an hundreth year, if need were. Now, to conclude; I am glad of this occasion, that I might 'liberare animam meam.' You are now to recede: when you meet again, remember, I pray you, the truth and sincerity of my meaning; which, in seeking Union, is only to advance the greatness of your empire seated here in England; and yet with such caution I wish it, as may stand with the weal of both states. What is now desired, hath oft before been sought, when it could not be obtained; to refuse it now then, were double iniquity. Strengthen your own felicity. London must be the seat of your king, and Scotland joined to this kingdom by a golden conquest but cemented with love, as I said before; which, within, will make you strong against all civil and intestine rebellion; as, without, we will be compassed and guarded with our walls of brass. Judge me charitably, since in this I seek your equal good; that so both of you might be made fearful to your enemies, powerful in yourselves, and available to your friends. Study therefore, hereafter, to make a good con-

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clusion; avoid all delays; cut off all vain questions; that your king may have his lawful desire, and be not disgraced in his just ends; and, for your security in such reasonable points of restrictions, whereupon I am to agree, ye need never doubt of my inclination: for I will not say any thing, which I will not promise; nor promise any thing, which I will not swear; what I swear, I will sign; and what I sign, I shall, with God's grace, ever perform."

*The King explains some Doubts in his former Speech.*] When the Commons were returned to their house, the Speaker signified his maj.'s pleasure that they should adjourn to the 20th of April, on account of the Easter holidays. During this intermission, the King's last Speech had been misrepresented by some of the hearers, which obliged him to send for both the Houses again, on the 2d of May, to clear up those points to them which admitted of a double meaning. Accordingly, the king delivered himself in these words:—

"My lords and you gentlemen of the lower house of parl.:—It is the chiefest comfort of the sower, to sow his seed in good ground, where there is hope, it may yield fruit. Since I last spake unto you, I have heard, by common report, with what applause and good liking my speech hath been received, and digested: I hope you continue in the same liking still; and I wish, my hope may not be deceived; that my seed hath not fallen into stony, or sandy hearts; whereby what I spake may be mistaken, and prove barren, by preconceived opinions; the growth be choaked, forgotten, or carried away by the fowls of the air, or preverted contrary to my meaning. For my part, I can find no symptoms or signs in the Lower House, by which I may misjudge them, but that they will proceed in the same course of particular preparation, that they began in: as for the Upper House, there hath been no word spoken of the matter since your last meeting. I come not now therefore to persuade that, which is already begun (having no doubt in either of your inclinations) but to facilitate, and make the way fair for your going on. I shall do but the part of a good gardener, to prune, and dress, and take away the weeds and brambles, that may hinder the springing and budding of this good plant. And because there are, and may be, divers explications and expositions of my Speech, I was desirous to explain myself unto you; for (as I said in my former Speech) 'ejus est explicare, cujus est condere.' I have not hindered* any speech; for it is not my manner, neither have I time to do it; only, for order-sake, I will contain all I have to say, under three heads; viz. I. To interpret mine own Meaning in my former Speech. II ***. III. To endeavour to set before you some Course of Proceeding hereafter.—I. Upon my Speech some have builded gold and silver; some, hay and stubble: I must be as a fire to consume and burn up the hay and stubble, and to sift out and preserve the gold and silver. I understand, that some have interpreted my words, as expressing a desire and proposition of a perfect Union. I have not studied (as I said) to give a full answer to such interpreters; but I know you can put a difference between wise men and fools: fools handle things either with subtility, or ignorance; wise men, with substance, and solid argument. I propounded ever, and so I crave at your hands an absolute and full Union, but not a perfect Union; such an Union as must have that preparation, which is made: and, because I spake of an absolute Union, to say, or think, I wished nothing in the mean time, were absurd. But it is most true, I ever wished such an Union, as there might be 'unus rex, unus grex, una lex.' These men, that thus interpret, mark them well; and you shall find, that they propound, and pray for that, they would most shun: 'probate Spirites;' and see, if they give you not guilded pills; whether they have not 'mel in ore, fel in corde.' Something must be done, you all confess; the devil himself cannot deny it: then what preparation can you have, or wish, other than hath been? This is but as if a surgeon should let blood on the contrary side, to let out the ill humour.—You would have a Commission, to prepare for this your perfect Union, when yourselves have, in the beginning, propounded it, have enacted it, that commissioners of both nations should meet and treat; and these commissioners, of your own choice, for your part, being met, have deliberately propounded, have maturely digested, and have advisedly brought forth something in that form, whereupon it is fit you should proceed, and now, forsooth, you would have a Commission. I will never grant a commission: It shall never have my consent, or allowance.—I remember a Speech in Hen. VIII.'s time, in the parl. house: the king propounded something which came into the house; one in the house said, That he thought the king's meaning was good, so as it were according to law: I pray (my masters) that I may hear no more of such foolish diversions, and aversions.—It is merely idle and frivolous, to conceive, that any unperfect Union is desired, or can be granted: it is no more unperfect, as now it is projected, than a child that is born without a beard. It is already a perfect Union in me, the head. If you wanted a head, that is me, your king over you all; or if you were of yourselves no body; then you had reason to say, it were unperfect; but it is now perfect in my title and descent, though it be not an accomplished and full Union; for that time must ripen and work.—When a child is in the mother's womb, though it hath all the lineaments and parts of a body, yet it is but an embrio, and no child; and shall be born in his due time: when it is born, though it then be a perfect child, yet it is no man; it must gather strength and perfection by time: even so is it in this case of Union. The Union is perfect in me; that is, it is an Union in my blood and title; yet but 'in embrione' perfect. Upon

* Sic Orig.

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the late queen's death, the child was first brought to light; but to make it a perfect man, to bring it to an accomplisht Union, it must have time and means; and if it be not at the first, blame not me; blame time; blame the order of nature.—I remember, at the beginning, when I first craved an Union, my desire was to have a perfect Union: then this whole body drew back; said, It could not be dispatched at once; it were fit it were entered into by little and little; devised all restrictions they could to tie it within bounds; produced sundry precedents of the like; as ***; and when I would have had a more full and liberal Commission, you bounded it yourselves.—But how would you have a perfect Union, but by this preparation? By bills, by committee, by argument: and yet, I say (using our Saviour's words) 'hoc facite, aliud non omittite.' Mary! I would not have you think on that to be done to-day, that is to be done to-morrow. II. The 2nd part of my division is to answer objections. 1. One objection is, What Gain shall we have by it? I thought I had expressed it sufficiently before. But do they ask, what Gain? Is it not Gain to add a nation to this; to make it one great and glorious empire; to have that people to join their arms and strength with you upon all occasions; to make of half a land one intire; to add to the splendor of the king's court; to turn curses into blessings; to turn blood and rapine into peace and plenty; remembering always, that you have the blessing of the seat here, and that this is the center? But I confess it is good to be sometimes far from the prince's court: 'procul a numine, procul a fulmine.' But whether that be so here, or no, I appeal to be judged by the children above 6 years old in London; I desire that the commissioners for these parts would speak as they find: I desire no other witnesses than those that best know. But if you find that my residence here doth harm, I will make two offers: one, I will keep my seat *alternatim*, in the several countries; I will stay one year in Scotland, and another here, as some other kings do, that have several kingdoms: the other is, I will keep my court nearer Scotland, at York; at some place thereabouts, so as you and Scotland shall be both alike 'procul a fulmine:' and I protest, I will do either of these, if you think it for your good; and if I shall not see this Union likely to go forward, I will do it howsoever. Observe then the wandering Objections of these men; consider of the substance of these speeches, whether they offer you not gilded pills. I fear me, they would neither be found wise, nor honest, if they be examined and ripped up: for if you mark it, they are nothing but iterations of my Speeches, which I would be sorry to hear retorted against me. 2. *Obj.* The 2nd Objection: there can be no security for such cautions, as shall be agreed on. To this I cannot tell what to answer; because neither I am well versed nor skilled in your common-law, nor you will give credit to the Judges in that, which they can say in this point. But I will bring it to this dilemma; either I can give security, or I cannot: if I can, why do you not yourselves enter into consideration of it, and accept it? If I cannot, then must you leave all to me, after the parl. to do what I will; and if any thing light upon you, other than you looked for, you must take, and bear that, which your own folly hath brought you unto, because you did not prevent it in time, when it was in your hands. 3. *Obj.* We must yield them now but a little, because we must keep them in appetite: for you say, 'Turpius ejicitur, quam non admittitur hospes.' *Answ.* We are not now making marriages with Spain; this is no new contract or bargain, that requires precise conditions. 'Res non est integra.' The Union and bargain is already made; nothing now to be thought on, or dealt in, but the means. It is an idle thing now to talk of appetite. It is true, that the Lords commended a perfect Union; but I am sure they ever had relation to the instrument, and to the course that was taken, for proceeding by the degrees therein propounded; neither did I ever hear, before now, of any man, that meant other, than this proceeding upon the first Instrument. Now shall I come to some other Objections, more passionate and violent, but more idle, and of less weight than the rest. It is affirmed, that the taking away of hostile laws is a donative, a great grace and favour; where it is known, as now they stand, they do press yourselves, as well as them of Scotland; though, by the Union that is already made, they lose their force and vigour. It is true, that it is fittest to take them away by parl. because they were established by parl. but all that can be said, is no more, than as if you should say, it is fit to take hostile laws away, because they are taken away. It is said also, that if you deal by bills, they are like to have a cold effect; prejudging the good disposition of the whole house. I am sorry to hear of such speeches, against duty, almost against allegiance. I know not their meaning, except they delight to sing with the owl upon the bush, &c. It is a strange and ominous prophecy, for which I know no answer, but that I shall pray, that such swallows bring but one summer with them. It is no marvel, if men of that coat have neither hopes nor fears from me; and fear I shall be well advised, what I do with them. I looked for no such fruits at your hands; such personal discourses and speeches, which, of all other, I looked you should avoid, as not beseeming the gravity of your assembly. I am your king: I am placed to govern you, and shall answer for your errors: I am a man of flesh and blood, and have my passions and affections, as other men: I pray you, do not too far move me to do that, which my power may tempt me unto. Now for the Course I would have you hold, the third part of my division; let it be my advice, that you do all things with reverence, with love; that it may seem, you have duty, respect, and care

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to please him, that will, by all his best endeavours, seek to give you contentment. That speech of 'Love me little, and love me long,' was a damned speech; for love and affection must be ardent, settled upon good grounds, not removable. Men die, men grow cold; but daily increase, especially in brethren, in two dugs of one breast, in children towards their parents. I would wish you to proceed with order, and with diligence, and above all, with love to your sovereign: I say, with the more diligence; because now the sickness increasing, the heat of the year, yea your own hay-harvest, do persuade you to make haste into the country. Make no more doubts than is needful; wherever a thing is made doubtful, there nothing will ever come to perfection. If any doubts do arise, make me acquainted with them; pour them into my bosom; I will strive to give you satisfaction: if I cannot answer, or satisfy them, let the blame rest upon me. And, to conclude, I desire, that your travels may be such, as you may procure strangers to reverence us, our enemies to fear us, our friends to be glad, our subjects to rejoice with you and me; that the world may see, there is an Union still in working and proceeding: that you beware of all fanatical spirits, all extraordinary, and colourable speeches; that there be no distractions, nor distempers, among you; that you breed not contempt to the great work so well begun, and discouragement to others, that wish well; that you tempt not the patience of your prince; and finally, that, with all speed, you proceed with as much as can be done at this time, and make not all you have done frustrate."

*Complaint against the Depredations of the Spaniards.*] A bill was brought into parl. this session, entitled, 'An act to explain another, made the last session of this parl. called, An act to enable all his maj.'s loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal, and France.' This was passed into a law and may be seen in the printed Statutes. But we find, by the Journals, that Spain was not then in such strict amity with us as to suffer a free trade. For, on the 16th of May a Message was sent from the Commons to the Lords, by sir E. Sandys and others, to this effect: "That a Petition, directed to his maj. and the high court of parl. had been exhibited to them, by several merchants of this realm, complaining, grievously, of many intolerable wrongs and injuries that had been offered them, by the subjects of Spain, in all parts abroad where they trade. As well in taking and unjustly detaining of their goods, as in bereaving them of their liberties; and in the cruel usage of divers of them; either by committing them to the Gallies, or by other tortures." That the Lower House had taken the said Complaint to heart, and examined the same, as far as they could, not being able to take examination of the adverse parties, being of a foreign nation. Nevertheless, they find that the particulars of the said Complaint, being 20 in number, at the least, are for the most part very just; insomuch, that thereby they conceive that a dishonour is offered to his maj. wrong to his subjects, and disreputation to the whole state. That thereupon, they having entered into consideration of redress, have thought fit, in regard the matter concerneth a foreign nation, that is in amity with his maj. and this state, to forbear to proceed therein, any otherwise than by Petition to his maj. And they earnestly desire their lordships will be pleased to join with them in this Petition and that for their better information therein, they will allow of a Conference, at such time and place as their lordships shall think fit to appoint." Answer. That because the Lords do find the matter to be of so great weight, both in regard to form and substance, they will take some time to consider of it maturely, and send them a fuller Answer as soon as they can. But it was not till the 8th of June, that the Lords sent to acquaint the Commons that they had considered of the case, and desired to see the Petition which the merchants presented to them; and that then they would return further Answer touching the Conference.—The Petition, which is printed at length in the Journals of the Commons, was sent, according to desire, with certain Reasons and Articles annexed to it. Importing, That they thought it needless to send the Petition before, because as it was inscribed to his maj. the lords spiritual and temporal, and to the rest of the court of parl. they imagined the like had been presented to their lordships. In the Petition they observed two points; 1. A Complaint. 2. A Direction for Remedy. That they had only examined the Proofs of the Complainants, not having power to convene before them the persons complained of. And, in their judgments, so far as they could examine, the Complaint was just, the Grievances great, and the Remedy necessary. For the 2nd point, they had not entertained any purpose to meddle with that; being more proper for his maj.'s wisdom and clemency, whose subjects were all under his protection; therefore they leave it wholly to him, and do now only renew their former request, that Petition may be made to his maj. for some such means of redress as in his princely wisdom shall be thought fit. But we are not told by the Journals, whether the Lords joined with the Commons in such a Petition; nor is there one word of this matter mentioned in any of our historians, by which we may learn whether these grievances were redressed or not.—July 4th, 1608, the parl. was prorogued, by commission, to the 10th of Feb. following; and from that time, by four other prorogations, to the 9th of Feb. 1609. It is remarkable that there was no Supply either asked or granted in this last session. And indeed what was hitherto given since this king's accession, bears no proportion to the heavy taxes laid on the subject at the latter end of the last reign.

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*The E. of Salisbury lays before Parl. the King's Necessities.*] Feb. 9, 1609. The Session was opened; from which day the lord chancellor adjourned the house to the 14th. On that day the earl of Salisbury, lord treasurer, in a set speech to the Lords, which he divided into two parts, took occasion to inform their Lordships, "First, by making a particular relation of the state his maj. was reduced to, both in respect to his present debts and other occasions of expence; and some necessary means to be considered of for a present supply for his wants, and support of his royal state in time to come; which causes he affirmed were the chief reason for calling this session of parl. Next, concerning the Prince, who, though already duke of Cornwall by natural descent, yet was to be created prince of Wales and earl of Chester. For the first again, concerning the State of the King's Debts, &c. his lordship explained, by many substantial arguments, reasons, and precedents, according to the knowledge he had gained, as proper to his place of Treasurer, and other observations. Lastly, he made a motion that a Message might be sent for this purpose to the Lower House, for a friendly Conference thereupon."—This motion was agreed to, and a message to the Commons was sent the same day, importing, "That because some things of extraordinary nature were the occasion of calling this meeting, their lordships were desirous the Commons should be acquainted with them, since without their concurrence nothing could be done. That they thought it necessary to treat of these matters at first, whereby their lordships hoped this would prove a parl. of consolation. Therefore they desired a Conference, for consideration to be had of some necessary Supplies to be granted to his maj. for his present occasions. And further signified that their lordships will join with them, for retribution to his maj. as shall be judged most fit and reasonable." The Commons readily accepted of this proposal; and a Conference, with time and place, was agreed on between committees of both houses. And the Lords ordered, that the lord treasurer should deliver the substance of what he had this day opened to them at the committee. It is not clear by the Journals what was said or done at the first Conference. There is a long account of it entered in those of the Commons, in the Reports made by the Solicitor-General, sir Fra. Bacon; but the Items of them are so short as not to bear a connection. Especially in that of the Public Debts and Disbursements, which are so intricate as not to be understood at all.

Feb. 21. The Commons sent a message to the Lords, requesting another conference with their committee, about the Matter of Contribution and Retribution, moved at the last conference, which was agreed to; and, on the 26th, the lord treasurer made a Report to the house of what had passed in this last conference. Wherein he particularly took notice of a motion, proposed by the committee of the other house, "That his maj. might be made acquainted, by some of their lordships, that it was the desire of the Commons, that some course might be taken concerning Wardships and Tenures." Which being debated among the Lords, they agreed that a select number of their house should be chosen to acquaint the king with the Commons' request. Feb. 28. There was a long debate in the Commons, on the two businesses of Support and Supply, the heads of which are given in their Journals; but are again too intricate to unravel. We shall therefore chiefly follow the Journals of the Lords, and only give some remarkable hints from those of the Commons, as they fall in our way; one instance of which is now before us. On the day before-mentioned, the result of the debate on the Supply was, a division of the house on the question, Whether it should be put off for that time or not? It was carried to sit still, only by 160 against 148. It was then moved to say, "That they were willing to relieve the king's wants chearfully; time enough for retribution afterwards. That the Supply might be postponed, but to support immediately. To intend, was mental purpose; to give a plain open English answer, that we propose to give somewhat." On the whole, a Resolution was taken, on a message from the Lords, to send an answer to this purpose; "That they would think of the Supply in due time, and doubted not but to give his maj. good satisfaction. For the matter of annual Support, in lieu of Wardships and Tenures, when they shall hear from their lordships about them, they will be ready to join with them in conference."

*The Commons complain of Dr. Cowel's Book tending to advance the Prerogative Royal.*] Feb. 27th. The Commons sent a Message to the Lords to acquaint them, "That they had taken notice of a Book, lately published by one dr. Cowel, which they conceived does contain matters of scandal and offence towards the high court of parl. and is otherways of dangerous consequence and example. That being desirous there should be a joint examination of the offensive contents of the said Book, and some course taken for the punishment of the person who published the same; they therefore desire their lordships to appoint a conference for that purpose." The Lords returned for answer, "That they were willing to join with them in any cause proper to maintain the honour of that high court, and to cherish a mutual correspondence between both houses, which together make the body of the parl. whereof his maj. is the head. They therefore appointed time and place for a Conference, not only on the complaint, but to go again on the topic of a supply." Wilson informs us, "That the Book, here mentioned, which had given offence, wrote by dr. Cowel, a civilian, was to prove the excellence of the Civil Law in comparison of the Common Law of England. That the king had let fall some



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expressions at his table, in derogation of the latter, and highly extolling the Civil Law before it. At the same time, declaring his approbation of a book, lately writ by dr. Cowel on that subject. This, says our author, nettled the great lawyers much; and had not some of them been raised so high, that they could not, with their court-gags, look downwards, it had bred an open contest. However, adds he, though they did not stir in it themselves, we may suppose they, underhand, stirred up this prosecution against the civilian, for fear, that if his scheme should take place, they should have their lessons to learn over again*.

Feb. 23rd. The lord treasurer informed the Lords of the King's Answer to the Message sent to him, at the desire of the Commons, relating to Tenures and Wardships. "That his maj. reserveth to himself, 'tanquam res integra,' the power of affirmative, or negative, to grant it; as on further deliberation, he shall see cause." Hereupon it was moved by the earl of Northampton, lord privy seal, "That in regard the matter was of great importance, respite might be taken for imparting his maj.'s said Answer to the Lower House, till to-morrow, on their next meeting; when some fit course might be considered of for that purpose. This motion being seconded by the lord chanc. it was agreed that no Answer should be returned to the Commons till the next day. At which time the Lords were interrupted from considering of the affair, by another message from the Commons, importing, That they desired their lordships to appoint a meeting of the committees of both houses, to receive their Answer touching the matter of Support and Supply. The lords accordingly appointed 2 that afternoon for the purpose.

The very next day a message was sent from the Lords to the Commons to this effect; "That whereas the House of Commons, by a Message of late sent from them, had moved their lordships that his maj. might be made acquainted, by some of their house, with the desire of the said Commons, touching the matter of Tenures and Dependencies on Tenures; their lordships had acquainted his maj. therewith, and received his Answer. And conceiving that the time appointed this afternoon, concerning dr. Cowel's Book, may fitly serve both that and imparting his maj.'s Answer, do desire that this meeting may accordingly serve for both these purposes." The Commons replied, That they received their lordships message very respectfully, and would be ready to attend their service at the time and place appointed.

March 3d. The lord chancellor reported to the Lords the substance of what was delivered, by the committee of the Lower House, at yesterday's Conference, on the points of Supply and Support. "That the Commons had expressed a tender feeling towards his maj.'s wants, and a due regard to relieve them. But they could not conceive, as they affirmed, how it could be done in any other way than by Subsidy. Which being proper to be first moved in the Commons, they will consider of a fit resolution and proceed therein in due time. That, as to the other point of Support, they hold this matter to be most considerable, and therefore proper for the Lords; of which they expect to be informed from them at their convenience." Then the lord privy seal declared to the house what had passed in the Conference relating to dr. Cowel's Book. "That the attorney-general, in delivering the sense of the Lower House, did very modestly and discreetly lay open the offence taken against the party, and the dangerous consequence of the book." Afterwards the bp. of London read the particular exceptions which the Commons had made to it; which were, 1. On the word Subsidy; 2. On the word King; 3. On the word Parliament; 4. On the word Prerogative. On all which words the said dr. Cowel had so unadvisedly enlarged himself, as the Commons apprehended that the same was very offensive, and of dangerous consequence. On this Report, the Lords took a little time to consider, and then thought proper to send a Message to the other house, to desire another Conference about this Book, and in the mean time ordered their clerk to seek precedents of that kind, and faithfully to acquaint the house therewith. The next day the lord treasurer informed the Lords, "That his maj. had taken notice of this matter; and had lately perused the places in the book to which exceptions were taken. That he had called the said Cowel before him, and heard his Answers thereunto; and, having duly considered of the errors committed by the author, in that behalf, was graciously pleased to deliver his judgment and resolution to the Lords, to be by them communicated to the committee of the Commons." We are not told by the Journals what this Resolution was; but it may be supposed to finish the business, for there is no further mention made of it.

*Proceeding in relation to Tenures, &c.*] March 10th. The lord privy seal made a report to the Lords of what had been done at the last Conference relative to Tenures, &c. His lordship observed, "That the committee of the Commons insisted chiefly on 3 particular points, in the debate, on which the matter of Tenures depended. These points were Honour, Conscience and Utility; to the last of these they said, "That since his maj. out of the greatness of his mind, had been pleased to set it aside; so they, in their duties, would urge it no further than otherwise it should be meet. And it would be most proper to treat of that when the other two of Honour and Conscience should be discussed. These last two they confessed were of much weight; speaking in most reverend and tender manner of his maj.'s Honour; and likewise affirming,

* Wilson in Kennet, vol. II. p. 681.

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that it was far from them to put any thing into the clear spring of his Conscience. Therefore their conclusion was, That his Maj. might be addressed by their lordships to accelerate his Answer concerning this matter of Tenures, as soon as conveniently he might; yet submitting themselves wholly to his gracious pleasure." Upon hearing this Report, the Lords agreed to address his maj. as the Commons desired; a Committee was ordered for that purpose; and the lord privy seal enjoined to deliver the contents of it to the king, and bring back his maj.'s Answer.

March 19th. The lord privy seal reported to the House the Answer his maj. was pleased to give to the committee appointed to address him, on the request of the Commons, about Tenures, &c. And said, that his maj. strictly observing every point thereof, was pleased to give his Answer in effect following: "That although he took good notice of the distinction of time, when the matter was first moved, and the present; and that there are infinite affairs as well of state as others of parl. which keep them still in exercise. Yet, in respect of the humility, dutiful carriage, discretion and judgment of the Lower House, shewed in this matter; of the wisdom of the Lords in moving it; and, lastly, the season of the year; his maj. had thought of those particulars: and was pleased that they should treat of the business; and that the Lower House should have speedy notice of his pleasure therein. Furthermore, his maj. mentioned some other business in hand this parl. and first, of Grievances, which he declared himself to be so willing effectually to redress, that although he doubted not the good disposition of his posterity, yet he is desirous to provide, "That if they should have will, they may not have power again to grieve the people." This Answer being delivered, the lord chanc. put the house in mind of the Supply; which was spoke of by the Commons at the last Conference. And thereupon moved, that the Lower House might be made acquainted with his maj.'s Answer about Tenures, as soon as possible. This was agreed to, and the Answer was delivered to the Commons that afternoon. Great was the joy which the Commons expressed on this gracious return to their request; which they signified to the king by the mouth of their Speaker, attended by the whole house. The Lords too did the same by the chancellor; but, we find by the Journals, that he was unwilling to undertake the employment, 'ex ore,' and desired to have it in writing; which the Lords would not consent to, but trusted to the chancellor's wisdom and understanding of the matter, to dress it up as he pleased.

March 29th. The lord treasurer reported to the Lords what was done at the last Conference; and how far the committee of the Lower House had proceeded in the matter of Tenures, to this effect: "First, his lordship observed that mr. Recorder of London declared, That ease and convenience had led the Commons to seek this matter of Tenures and their dependents; that love and loyalty had caused them to take the course therein they had done; and that having now the king's Answer, which was a licence to treat of that business, they departed, joyful in their hearts, like the sons of Emaus.—That this matter consisted of 4 considerable points: 1. What they desire: 2. What they would offer: 3. How they would levy it: 4. How they may have security for what they seek. That of the two first, they had determined in this sort; viz. That Knights Service generally might be turned into free and common soccage."—Next follows in the Journals, a long Account of those particular Grievances, relating to Tenures, the Commons wanted to have redressed. But, as these complaints and several more, concerning the Prerogative Royal, are all amply recapitulated at the end of this session, we shall postpone them till we arrive at that period. Only, observing here; that the Retribution the Commons offered to the king in lieu of these perquisites of the crown, was 100,000l. yearly; wherein they included all the 'esse' and 'posse,' which the king ever had, in the matters aforesaid, to be compounded for.—After the Lord Treasurer had made the foregoing recital to the Lords, it was Resolved, "That to the end that house might better examine every particular, so desired, and the several values of them; and thereupon consider of the offer made, in order to be better prepared to take further course of proceeding with the Lower House; the Lords should go into a committee of the whole house thereupon.—But, Easter now approaching, and the parl. being thereupon adjourned, it was not till the 18th of April that this matter of Tenures was again resumed by the Lords. And, on a motion of the lord treasurer, because his maj. had not signified his pleasure to that house how far he likes of these proceedings; therefore he moved that a committee of Lords should be appointed to wait on the king, and to understand from him whether he shall be pleased to approve of this scheme of parting with Tenures, &c. or not?

A Committee being appointed accordingly, consisting of all the great officers of state, &c. April 20th, after a call of the House of Lords and a severe admonition from the Chancellor, for due attendance, the lord treasurer reported his maj.'s Answer, to this effect: "He first took notice, That the Reason of this present meeting was to deliberate in what manner to deliver this Answer to the committee of the other house. For, he said, that the business to which the Answer was made is not ordinary; not a Grievance, nor yet a request for justice, nor any such matter, to which the king may or ought to be urged to any present or certain answer. But, that this was a suit for a valuable recompence, to be eased of certain payments and burdens, by law justly lying on the subject, and of which no man can justly complain." The matter requested his lordship remembred to be this, That all Tenures, by Grand Sergeanty,

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Petit Sergeanty, Knights Service in Capite, &c. may be turned into free and common Soccage; as of a Mannor, which he affirmed was the basest and meanest service. Unto this request his lordship reported his maj.'s Answer to be, "That he would upon no terms whatsoever part with any branch of his sovereign prerogative, whereof the Tenures in Capite from his person, which is all one as of his crown, was no small part. But, touching the dependance upon Tenures, such as, marriage, wardship, primier seissin, relief, respect of homage, and the like, which are only the burthens of Tenures, (the honours and Tenures reserved) his maj. is pleased when he shall understand what recompence will be offered for them, to give further Answer, towards contracting for the same, with all convenient speed."—Upon this the judges were asked their opinion, Whether the Tenure of Honour, &c. may be reserved to his maj. and the Charge or Burden, with other things of like nature, be released? To which they answered with reservation, in the affirmative. It was then resolved, "That the lord treasurer should deliver his maj.'s Answer to the committee of the Lower House that afternoon; and leave the consideration of the course and means to their wisdom and conduct."

May 7th. The Lord Treasurer acquainted the House, "That neither he, nor their committee, were at all satisfied with the proceedings of the Commons, in this matter. That there was no freedom of debate used in their meetings, which was the only way to come at a good and speedy end. But, only a written message read unto them, to which, when any thing was objected by the Lords, the others were debarred from making any reply. That the Lords had objected to the Commons, That whereas the members of that house had offered to give for the matter of Wards, Tenures and Dependents thereon, 100,000l. per annum, and had received answer, That his maj. as then advised, would not accept it; nor saw any reason to depart from his first demand of 200,000l. yearly Support, and 600,000l. Supply: his occasions being now, in all appearance, greater than before; especially as the Wards were now desired by them, which were not spoken of before, nor included in the king's demand. To which the Commons written Answer was, That they had since entered into a re-examination of the matter and do find no reason to alter their offer. That their purpose was to have laid the burden on the landed men, when it was moved to them, that they should think on some course to make up the king's demand, &c. But, they cannot find how so huge a sum may be levied, without grieving a number of his maj.'s poorer subjects. Howbeit, in all reasonable matters, they will be willing to give his maj. satisfaction. Lastly, they acknowledge their great obligation to him for giving them more liberty to treat of these matters, than ever was granted to any of their predecessors; and further than that leave they would not go."

*The Lord Treasurer acquaints the Lords with the Murder of Henry IV. of France.*] May 8. The lord treasurer, in an eloquent speech, as the Journals express it, not without some sensible passion, in regard of the matter which he was to deliver, and of the weighty consequence depending thereon, reported to the house: "That the French king, having on Thursday last crowned his queen, and on Friday having been at the palace, and returning from thence to the Louvre, accompanied with three nobles, as he sat with his back towards the end of the coach, passing through a narrow lane, was, at the turning, slain by a base fellow with a long knife. He declared the manner of his murder, as he had received the news of it, but the truth of circumstances he left to further intelligence. His lordship then discoursed on the exceeding virtues and vices of the dead king; and, that at his death, he had a great army in readiness: that he was an assured friend to the king their sovereign, and to this realm; and an especial defence and wall between the reformed religion and its opposites in Christendom. He then shewed them what cause they had to fear many inconveniences by this loss; and, lastly, he told them the great necessity there was to provide treasure before-hand against all chances."—To this declaration the lord treasurer added a motion, That a message might be sent to the Lower House, which was agreed to, and the message was to this effect: "That their lordships had all this session found that the House of Commons bore great respect to theirs, and desiring likewise to keep up the good correspondence between them; as well knowing that both houses, though sitting in several places, yet make but one body and one great council, have thought good to acquaint them with an accident of great importance. And, because it was something rare, therefore their lordships desired that such and so many of the Lower House as they themselves shall select, may presently meet with certain of the Lords in the Painted Chamber." Answer was immediately returned, that the Commons would instantly attend them.

May 26. The Lords' Journals inform us, that the lord treasurer "took occasion to put the house in mind of the chief motive for calling this parl.; which he said, besides the celebration of prince Henry's creation, was to derive from the subject somewhat towards the upholding the state of this monarchy. In which, as his meaning was well understood, he doubted not but every man would put it forward. He also informed them, that the necessity of the Supply increased, and much time was spent; though notwithstanding there had not been gained of the Commons so much as to have a free intercourse of arguments, but only messages about it. Wherefore his lordship moved, "That a speedy Conference should be desired of the Lower House, not with hope, at this time, to gain what is wished, but to deliver to them the convenience and necessity of such a free conference. By which

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course, he conceived, the thing might be better infused and spread in that house, than if it was carried unto them by a person thereunto appointed. He further told the Lords, that he understood many of the Lower House were departed; and an injunction was laid on the remainder not to conclude any new thing before the return of the others. Yet his lordship conceived there was a power left with these that remain to debate other matters; in which perhaps a persuasion may be wrought to such a conference as is desired." After this, it was resolved that a message should be sent to the Lower House to desire a Conference with their Committee on Tenures, &c. and answer was soon after returned, that the Commons agreed to this proposal. The chanc. of the exchcq. who with others brought this answer, likewise informed their lordships, "That the Commons had well considered of the matter which did at this time concern the safety of his maj.'s person; and had thought good to propose unto them some things, in which they desire their lordships to join with them in Petition to his maj. 1. That Proclamation be made forthwith, that all Recusants, before the 2nd of June next, do avoid the city, and resort to such places where they are by law confined; and not to remain within ten miles of the city or court without licence. 2. That all Recusants be disarmed, and their arms disposed as the law requireth. 3. That no subject do resort to the house of any ambassador to hear mass. 4. That all Jesuits be imprisoned, and not permitted to have conference. 5. That the oath of allegiance be administered in the court, by the Lords and others of the Council, to all that ought to receive it, and in the country by the justices of peace."—*Answer.* "That the Lords will be ready to join with the Commons, in such a Petition to the king, when they can fix upon a proper method to do it."

After the messengers were withdrawn, the Lords went into consultation amongst themselves, how their Committee should act the next Conference about the Supply. And, it was agreed that the lord treasurer should open the matter to the Commons; and endeavour to shew them the difference between a free Conference and a dry meeting, and the likelihood of the former's succeeding. Next, to put them in mind of their first offer of 100,000l. per annum, wherein Purveyance was included; and if they desired to have that given up too, then they must enlarge their sum. Lastly, that though his maj.'s occasions are increased, since his demand of 200,000l. per annum, yet he was pleased to abate thereof, and therefore to wish the other side might advance. Of all which, if they were willing to debate, then his lordship was to shew what the king would fall to, and to deliver the opinion of the commitee of this house which way it was to be raised. All the Lords to have liberty to speak to this matter in the debate, as well as the treasurer.

May 27th. The Lords presented a Petition, or Address to his maj. for the putting the laws in execution against Popish Recusants, &c. And on the 30th, the Abp. of York reported his maj.'s Answer to it, That he took very graciously this motion of the Commons, in regard to his safety, as proceeding from their duty and love; and will, with all convenient speed, consider thereof. Accordingly, some few days after, a proclamation came out, commanding all Romish Priests, Jesuits, and Seminaries, to depart the kingdom by the 4th of July next; and all Recusants to return home to their dwellings, not to come within 10 miles of city or court, and to remain confined according to the statute, in that case provided.

*Form of the creation of Henry Prince of Wales, &c.*] June 2nd. The Lord Chancellor acquainted the House of Lords, That it was his majesty's pleasure they should all attend in their robes at Whitehall; in order to be present at the Creation of the Prince of Wales, which was to be solemnized on the 4th of June. The Lords Journals have preserved the Form of this Creation; and as it is somewhat singular, we shall transcribe it from that authority.—"This day the Chamber, commonly called Whitehall, or the Court of Requests, was very richly hung from the upper end more than half down towards the lower end, where was set up a strong bar of timber thwart the room. In the highest part of the room was placed, for his maj. a sumptuous Cloth of Estate, and of either side scaffolds for Embassadors of foreign Countries. On each side against the walls were erected seats, one above another, for strangers and noble personages, with the lord mayor and his brethren in the midst. Upon forms and wool sacks did sit all the lords of parl. and the judges in their robes; and likewise the officers and attendants as on the days of sitting in parl. Below the bar was placed the Speaker's chair; forms on the ground, and seats on each side, one above another, fit and convenient to receive the whole House of Commons. His maj. being set under his Estate (for whose coming all the lords in their robes and seats, except such as attended his person and the prince, as also the Speaker, and all the lower house, did wait and attend;) the prince, his highness, honourably attended by divers noblemen, the knights of the Bath, officers at arms, and his own servants, entered in at the nether end of the house, and was with great state and solemnity brought up to the foot-path before the king; where kneeling at the first, and then standing, his highness was, with all due ceremonies, created Prince of Wales and Earl of Chester; and a patent thereof first read by the lord treasurer, principal secretary of his maj. and afterwards delivered to him. Which done, and all ceremonies finished which thereunto appertain, the prince, his highness, in great state and magnificence, some little time after the king's maj. departed the court at Whitehall."

June 7th. The parl. met again, by adjournment; and the same day the lord chancellor, in a grave speech, declared to the House of

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Lords, "That the great care which their lordships and the lower house had for his maj.'s safety, had produced a Proclamation, that contained a clause commanding all bps. justices of assize, justices of peace, and also all others of his maj.'s officers, whom it may concern, to minister the oath of allegiance, according to the laws. His lordship further told them, that according to the Petition of the two Houses, the lords of the council had already been sworn by the king himself, in the presence of the prince. That the lower house had generally taken the same oath; and that it was the king's pleasure, that the residue of the lords, spiritual and temporal, should do the like." This was immediately complied with, and all the lords present were sworn by 6 of the privy council, and the rest as they came to the house some days after; and the Oaths were likewise administered to different persons, both clergy and laity, all over the kingdom.

*Further Proceedings relating to Tenures, &c.*] June 18th. A Message was sent by the Commons House to the Lords, importing, "That they now desired a free conference with their lordships, as soon as they pleased to appoint; and that their lordships should come prepared to give satisfaction to the Committee of the other House in 3 points, viz. "1. What more the Lords would offer unto the Commons to be considered of, above the ten things already proposed, and above that which they of that house have thought on to be given by way of retribution? 2. That the Lords would deliver unto them the lowest price of those things which they shall have to contract for. 3. What course may be taken, and what projects their lordships will propound, for levying that which shall be given, otherwise than upon the lands?"—The Lords took some time to consider of this Message, because, as they sent word to the Commons, the king was to be consulted about it; and they appointed a committee to wait upon his maj. accordingly. The king was not over hasty in giving an Answer to a matter of that great consequence; and it was not till June 26th, that the lord treasurer reported his maj.'s Answer to the Lords on the three points above given. To the first he said, 1. "That he durst so far put confidence in the Lords of the Committee deputed by this House, that he would leave in them an implicit trust to treat of whatever may tend to the good and ease of the subject, without touching his honour, or taking that from him which he may not spare. 2. To the 2nd, his maj. is pleased to set a price, as is desired, but he requireth to have one night's respite more, to sleep on it; and this day he would send his Answer and good pleasure, in writing, before the conference. 3. To the last point, his maj. leaveth and doth repose trust in the Lords to propose, answer and dispute, as they shall think good and see occasion."—To this Answer which the lord treasurer delivered, the lord privy seal added, "That his maj. was likewise pleased to require the Lords in this conference, to consider that they are all Peers and equal with the Council; and that accordingly, they will have equal and like respect and care of the service and be 'pares in onere,' also."

*Further Proceedings on Matters of Grievances and Impositions.*] We are now left in the dark, by the Journals, in what was further done at these Conferences, till the 9th of July, when we find a Memorial entered, as that day, in these words:—"*Mem.* 'quod die Martis 10 die Julii, 1610, in the afternoon, as well the Lords Spiritual and Temporal, as the Speaker and the whole House of Commons, attended his maj. in the great room or chamber, called the Banqueting-House at Whitehall, the prince and the duke of York being then also present; where, after his maj. had vouchsafed, very princely, to declare, in general, his intent concerning such Impositions, as the Commons, by their Grievances, lately exhibited unto him, and had complained of. And the lord treasurer having likewise by his maj.'s commandment, opened more particularly, in a long and exact speech, the nature and quality of these impositions, with the cause and order of raising the same; (which his lordship affirmed to have been chiefly done before himself was treasurer, by advised council, first taken, and by divers conferences, first had with many of the principal merchants of all companies, and with their assent and allowance, and not to be in that kind burthensome, as generally is conceived.) His maj. was then pleased, in a second Speech, to remember that he received from the Commons their Grievances but on Saturday last, so as this being Tuesday, there hath been only two days past; and therefore to all their Grievances they might not, at that time, expect satisfaction; howbeit, to some of them, they should presently receive his Answers; which, being formally put in writing, by direction, his maj. commanded the clerk of the parl. openly and distinctly, to read; which accordingly was done, and were as follows, viz.

*Grievance.* "Imposition of 1s. upon the chalder of sea Coals." *Answ.* There was never any Imposition laid upon the sea coals of Blyth and Sunderland, by the king's authority; but it being conceived that they were members of Newcastle, (and so within their composition) they were only mentioned in some letters patents with the town of Newcastle. But, it appearing that they were things distinct, let the said pretended Impositions be laid down, and no more taken.—*Grievance.* "Exaction for sealing of new drapery." *Answ.* The king hath received no knowledge of any abuse of the said patent; and if any complaint hath been made unto his maj.'s courts, he doubteth not but justice hath been done; and it is his maj.'s express will that all such abuses, upon due complaint, be reformed. And, for the right and validity of the said patent, his maj. understandeth that there is a suit depending, wherein the same is brought in question, which hath been divers days solemnly argued on both

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sides, and is now ready for judgment, wherein his maj. requireth the court to proceed with all expedition.—*Grievance.* "Imposition upon Alehouses." *Answ.* The intent of that ordinance was matter of reformation, because alehouses did multiply over much by the favour of licences; and for the profit it was but an incident which his maj. least regarded; and that it might be done by law, it was warranted by the opinion and advice of the lord Popham, and the principal judges of the land; who, upon conference with others, maintained that referring the power of licences to the justices of the peace, by the statute, was not privative to the king's power in that case. But, seeing it is a thing so much desired to be removed, and especially since it seemed to breed a jealousy in his loving subjects of a precedent of imposing payment upon them within the land; let it be laid down and no more taken.—*Grievance.* "Monopoly of licence of Wines, upon the advantage of old and impossible laws." *Answ.* The law, though old, as they affirm, yet was still in force; and it seemeth the Commons, (if they will remember some of their late proceedings) would be loath to disclaim making use of old laws. Nevertheless, at their prayer (saving the patent which they themselves acknowledge to have been made in favour of so great a person and of so great desert) his maj. is content a law be passed for restraining any such licence to be made in time to come."

These concessions of the king make it appear that hitherto he was willing to keep on good terms with his parl.; and, though small in themselves, in comparison of the larger demands of the Commons, yet they seem to pave the way for a perfect union between them. It is certain what the king was desired to part with, were things, some of them, that had been transmitted to him through a long series of his predecessors; and others which had been set up, or laid on, in the reigns since the Reformation, and particularly in the last. Who the person was, mentioned in a parenthesis of the last Answer, is uncertain; it seems to be either the prince or the duke of York; for George Villiers, afterwards duke of Buckingham, did not make his appearance at court till near 5 years after this period.

We may suppose that these Answers from the king met with a favourable reception by the Commons; for, though the Journals do not express so much, yet some few days after, the bill of Supply was sent up by them, consisting of one entire Subsidy and one 15th and 10th from the temporality.

*The King offers to accept of 200,000l. yearly, in lieu of Tenures, &c.*] July 17th. The lord treasurer reported to the House of Lords, "That himself, and some other lords, not as members of parl. but as persons otherwise interested in the king's service, did the night before acquaint his maj. with the effect of a conference held that afternoon, between the Committees of both Houses; and that he had got the king's Resolution on the matter, under his hand, which was also to be imparted to the Commons, and which he read to the Lords in these words:

"James R. Right trusty and well-beloved cousins: Having understood what hath passed in your Conference with our Lower House, and perused the Memorial of your desires; we are now determined to answer you, in the point of the Price, as it shall appear in whose heart sincerity is lodged. Of the particulars newly come to the press, we presume you have so well remembered what to impart to your fellows, as it shall appear to them what opinion we have of their respect to our honour, and how loth we would be for money to contract for those things with which just and gracious princes have been used to bind their subjects. In the which we do promise, on the word of a king, (whereof God is witness, to whom all hearts be open) that howsoever those that cannot judge of a king's heart may feed themselves with false fears and jealousies, that prince liveth not that more desireth to derive strength from his subjects than we do. And therefore, after you have laid before them, how strange it is to us to be pressed in so many things which have been left to the grace of princes; wherein we mean no more to vary from the ancient greatness of our progenitors, than they who are our subjects can be content to do, who press still in all their speeches to live 'more majorum:' you shall take the liberty, in our name, to accept the sum of 200,000l. yearly, for all these things which we have offered before, or have now vouchsafed to part with to you and them. In all which, we doubt not but you will make it appear how far we are contented to borrow of ourselves, for satisfaction of our loving subjects. And so we bid you farewell. From Theobald's, July 16, 1610." Superscribed, "To our right trusty and right well-beloved cousins, and to our right trusty and well-beloved the Lords of the Higher House of Parliament."

This written Message from the king, being imparted to the other house, it produced more conferences between the committees appointed to settle the affair, called now the Great Contract between king and people. July 19, the Committee of the Lords proposed to the Commons, That the king might have security in land for the 200,000l. per annum; and that some Ordinance or Entry may be made, before the recess of the House, which may both bind the king and them to the Contract, which their lordships conceive to be already concluded; especially since time will not now serve to have it pass into an act.

July 21st. The lord treasurer acquainted the Lords, That he had received from the Committee of the Lower House a Memorial, containing the substance of the most material points in the Great Contract with his maj. and read the same to the house. Ordered, "That the like instrument should be drawn, as their lordships assent unto the said Contract; where-

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in the same power and liberty should be reserved to his maj. and to the Lords, as the Commons had, by the said Memorial, reserved to themselves; and therein the same words to be expressed, viz. 'addendo, minuendo, interpretando, &c."

July 23rd. The lord treasurer read to the Lords a draught of a Memorial, penned by his lordship, according to their last order; which was approved of by the whole house. And it was ordered, that both the Memorials should be registered in the Journal Books of that house. And, on that day in the afternoon, the king and prince came to the house; and, after hearing a speech from the Speaker of the Commons to his maj. on presenting the Subsidy Bill, and other bills, the king himself was pleased to make a short speech to both houses, (but full of learning and princely wisdom, as the Journal expresses it) to this effect:—"He first told them, That the time was so far spent, that it was a sufficient excuse for him to speak without preamble; therefore he put them in mind, that at their last attending of him at Whitehall, he then, by his own mouth, promised them that he would, before the breaking up of this session, give them Answer to such other of their Grievances as they of the Lower House had presented unto him, and which then he did forbear to answer." Then the clerk was commanded to read his maj.'s most gracious Answers to the Grievances aforesaid, which were as follow:

But before we give this long account of Grievances and Answers, as they are entered in the Lords' Journals, it is proper to look back into the proceedings of this session, in which, besides the Subsidy Bill, 6s. in the pound, granted by the Clergy, was also confirmed. After the reading of the following Memorial, which was done, by his maj.'s command, to both Houses, the lord chancellor, by another command, prorogued this parl. to the 16th of Oct. next ensuing.

"*His Majesty's Answers, delivered to the whole assembly of both Houses, July 23rd, 1610, unto certain Grievances formerly delivered to his Majesty, by the Knights, Citizens, and Burgesses of the Commons House of Parliament.*

"Touching the execution of the laws of this our realm made against Jesuits, Seminary Priests, their Receivers, and all other Popish Recusants, we have so sufficiently expressed our care and resolution in our writings, and in our late Proclamation; as also in our late Speech concerning this point, as we shall not need to give any further or more particular answer in that behalf.—There hath never been hitherto any particular Church in the world (for ought that we have read or heard) that hath allowed such ministers to preach in it as have refused to subscribe to the docrine and discipline settled in it, and maintained by it; and hereof the reformed churches in France do yield a fresh example, who have and do daily require subscription to the Articles of their Synods, though very many in number; nevertheless, as in our own princely judgment we ever intended to make some distinction between the persons and dispositions of the deprived and silenced ministers, in regard of better hope of conformity in some than others, although they be in the same degree offenders by our laws; so we shall be pleased, when we know the numbers, the names, and qualities of these for whom this Petition is made, to take such order in that behalf, as in our princely wisdom we shall hold most fit and convenient for the good and peace of the Church.—Although never any Christian king had in greater detestation the covetous and immoderate heaping of many benefices together, especially where the neglect of the Cure is joined therewith; yet it cannot be expected at our hands, that we should in this, more than in any other cases, abridge any of our loving subjects of that which they have in express words granted unto them by the laws of this our realm; or if we might lawfully in this case so do, yet we should not hold it convenient, until some farther provision be made, that the Benefices of this realm might be made competent Livings for godly ministers and learned preachers; and that with some difference in proportion answerable to their gifts and merits. In the mean while, the number of ministers now qualified to enjoy two Benefices, with Cure, will be greatly diminished, if such as have power to qualify would abate the number of their chaplains allowed them by law, as we are resolved for that cause to abate our's; besides, we will lay strict charge upon the bishops, under pain of our displeasure, that such ministers as either now have, or hereafter shall have, two Benefices, with Cure, shall carefully observe the 41st and 47th Constitutions, confirmed by us, An. 1603, whereby it is provided, that every such parson as hath two Benefices shall (where he doth not reside) maintain a preacher, lawfully allowed, that is able sufficiently to teach and instruct the people in his absence; and in case the bishop, upon complaint made unto him, shall neglect his duty in taking order with such as have ingrossed Benefices into their hands, or shall not have provided for the serving of the Churches with sufficient preachers in their absence, upon information given thereof to ourselves, we shall make it appear how much we dislike such neglect, and how much we tender a reformation in such cases.—By occasion of the Conference at Hampton-Court, in the beginning of our reign, and upon some other complaints, our Clergy, by our direction, made a Constitution with a condition which we confirmed, wherein they shewed themselves very willing to forbear the censure of excommunication for contumacy, where the original cause was of no great weight, and of private interest, so as there might be a law made whereby contumacy in such cases might otherwise be sufficiently punished. And accordingly they caused a bill to be drawn for

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that purpose, and exhibited unto the Lower House, which found no passage there; nevertheless, when such a bill shall be hereafter agreed upon as may enable our Ecclesiastical Judges condignly to punish the said contempts in the causes mentioned, otherwise than by excommunication, and so produce the reformation which is so much desired, we shall be pleased to give our royal assent unto it, so as it shall rest in our hands to effect that which is desired.—Touching the Inconvenience and dangerous extent of the statute 1 Eliz. cap. 1. our approved care for the well ordering of Ecclesiastical Courts and Causes, ought to banish from the conceits of our loving subjects, all needless and imaginary fears; nevertheless, we are pleased to assure them, by our royal promise, that our Ecclesiastical Commissions shall not be directed to singular persons, but to such a number of commissioners, and them so selected, as the weight of such causes doth require; and that no definitive sentence be given or pronounced by such our commissioners under the number of 7 of them, sitting in court, or 5 at the least, and that only in case of necessity. And further, that we shall not take advantage by any power given us by that statute, to grant forth any Forms of Commissions extending further than to imprisonment, and reasonable fine: and likewise that we shall restrain such our several Commissions to the number of 2, the one for the province of Canterbury, and the other for that of York; besides we are resolved to establish an Order touching the use and practice of our said Commissions, as that none of our loving subjects shall be drawn from remote places, either to London or York, except it shall be for such exorbitant offences as are fit to be made exemplary, and for the enumeration of Ecclesiastical Causes in particular; and as it is a matter full of difficulty, so it is needless, as we suppose, considering that they are already so limited and confined, that no ancient Canons or Spiritual Laws are in force, that are either contrary to the laws or customs of this realm, or tend to the damage or hurt of our prerogative royal.—For the Grievances apprehended in the Commission. First, a Sovereign King, being 'mixta persona,' and having authority, as well in causes ecclesiastical as temporal, it was with great wisdom ordained, matters of the Church being many ways impugned, and the censures of it grown into contempt, that there should be a Commission, consisting as well of temporal as ecclesiastical persons, who might have power for one offence at one time, and by one sentence, to inflict, as there should be cause, both a spiritual and temporal punishment. But as to the Enquiry by Juries, it hath not, for many years, been practised, and we are content that hereafter it be omitted in our Commission. And concerning Appeals, the use hath always been to exclude them in Commissions of this nature; and yet if any of our subjects shall be justly grieved with any sentence given by our commissioners, we shall be content as we find just cause, to grant unto them a Commission of Review: also for the Execution of divers Statutes aimed at in your Grievances, although it hath been from time to time committed, in some sort, unto our commissioners; and that every such Commission hath been stiled and penned by the attorney-general, with the advice of the chiefest temporal judges; yet we are well pleased, and will give commandment accordingly, that our temporal and ecclesiastical judges, assisted with our learned council, shall confer together, concerning the exceptions by you taken, to the end that hereafter our said commissioners may have no further power to intermeddle with the execution of any part of the said statute, than it shall be found fit for our service, necessary for the suppressing of Popery and Schism, and no ways repugnant to the laws and policy of this our kingdom. But for making any Innovations in the Forms and Proceedings heretofore used by our said Commissioners, we know no cause to depart therein from the example of our progenitors, nor from that which the laws of this our kingdom hath approved; and touching Fees, since it is a Court by statute erected, and no fees in the statute expressed, it was very fit that the commissioners should have authority to limit and appoint to every officer his reasonable fees, and we will commend the further care thereof to some principal persons of our Commission to take a view of them; and as to reform what they find amiss, so to establish such as shall be moderate and reasonable.—Touching the Grievances found in the execution of the Commission, we know that there is no Commission nor Court, either of ecclesiastical or temporal jurisdiction, but may be subject more or less to abuse in the execution of their authority; nevertheless, it is our part to have our ear open to receive complaints of that kind, especially from our peers, when we shall find them to be just; and therefore our purpose is to see such reformation to be made of all abuses in the execution of the said Commission, as may best procure the ease of our subjects from charge or vexation, and such punishment to be inflicted on Pursuivants, or other inferior Ministers, which shall be offenders, as may repress such misdemeanors in time to come.—It is our princely care and office to uphold and maintain all the Courts of Justice, both ecclesiastical and temporal, within this our realm; that none of them encroach upon the other, but keep itself within the true bounds and limits thereto appertaining. Neither is it unknown (we suppose) to the whole realm, what pains we have already taken to that end; and we propose (God willing) therein to persist, until we shall settle a certain order as well concerning Prohibitions, as the incidents thereunto belonging, that no one of our courts may be prejudiced by another. And that (all late inventions and novelties on all sides eschewed) Prohibitions may freely proceed from such courts, in such causes and



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in such form, as by the ancient laws of the realm hath been accustomed. And touching Writs of Habeas Corpus, and Homine Replegiando, our pleasure is, that they be granted according to law.—Although we know well that by the constitutions of the frame and policy of this kingdom, proclamations are not of equal force, and in like degree as laws; yet, nevertheless, we think it a duty appertaining to us, and inseparably annexed to our crown and regal authority, to restrain and prevent such mischief and inconveniences as we see growing in the commonwealth, against which no certain law is extant, and which may tend to the great grief and prejudice of the subjects, if there should be no remedy provided until a parl. which prerogative our progenitors have in antient, as well as later times, used and enjoyed. But if sithence the beginning of our reign, Proclamations have been more frequent than in former times, or have extended further than is warranted by law, we take it in good part to be informed thereof by our loving subjects, and take it to heart as a matter of great consequence; and therefore we will have Conference with our Privy Council, and with our Judges and learned Council, and will cause such our proclamations as are past, to be reformed where cause shall be found; and for future time will provide that none be made but such as shall stand with the former laws or statutes of the kingdom, and such as in cases of necessity our progenitors have, by their prerogative royal, used in times of the best and happiest govt. of this kingdom.—Our desire is, that all our subjects universally may be governed by the laws that make best for the peace and quiet of the country where they live, and whereby justice may be equally and speedily administered, as well to poor as rich, with least charge and expence; and for those 4 counties for which suit is now made to have them exempted from the jurisdiction of our council in Wales, and the marches of the same, we conceive it to be a matter of very great importance; for it tendeth to the alteration of a settled state of govt. continued by the space of many years, in the times of divers kings and queens, our predecessors, advised by as wise and judicious privy counsellors, and executed and put in use ever since the making of the statute 34 Hen. VIII. that gave strength to the govt. by many as grave, rev. and learned Judges as this realm ever had, who lived at and nearest the time of the said statute, and therefore best understood the sense and meaning of it. Therefore we find our crown, upon so good grounds, so long possessed of that form of govt. in those parts; and having holden one constant course, ever sithence our coming, to keep the state of all affairs of this realm, and especially of justice and govt. the same we found; to the end there might, in a manner, be no shew of change by us (which hath been justly observed as an apparent mark of God's blessing upon us and our kingdom) we have retained and continued still the same govt. in those counties, with fit moderation by your last Instructions; holding it both just and convenient, as well for those as all other parts whereunto it is applied. Nevertheless we will take time, and inform ourself of all things that may lead our judgment to the best ordering of a cause of so great weight and consideration, and will thereupon resolve and do as we shall find answerable to justice and policy of state, which cannot be separated; always professing for the satisfaction of our loving subjects in general, that as we are and ought to be slow to put down or alter those Courts and Governments, which the wisdom of former times hath established; so we are firmly resolved never to erect in any other parts of the realm, any like courts, or provincial Councils, except it be by assent of parl. and for full assurance thereof, we will yield to any security that by act of parl. shall be reasonably devised."

" Martii 26, 1610. *Memorial concerning the Great Contract with his Majesty, touching Tenures with the Dependants, Purveyance, &c. delivered by the Committees of the Commons House unto the Lords.*

" *Demands in Matters of Tenures, &c.*—The desire, in general, is to have all Knights Service turned into free and common Soccage. In particular some Tenures more properly concern the Person, some the Possession."

" *Concerning the person, viz.*—Grand Serjeanty, wherein though the Tenure be taken away, yet the Service of Honour to be saved, and the Tenure per Baroniam, as it may concern bishops or parsons, or men in parl. to be considered. Petty Serjeanty, escuage certain and uncertain, to be taken away. That Castle Guard which rests in rent to be saved. All Knights Services general, both of king and common persons. Homage ancestral and ordinary, with the respite of them; both these to be taken away, only the Coronation-Homage to be saved, not in respect of Tenure but of Honour. The Form of doing Fealty not yet resolved of. Wardship of body, marriage of the heir, of the widow, to be taken away. Respite of Fealty to be taken away."

" *Concerning the possession*, viz.—Wardships and Custody of Lands to be taken away. Primer Seisin to cease. Livery Ouster le main, to be taken away so far as they concern Tenures, or Seizure by reason of Tenures, other than for Escheats. Licence of Alienation upon fines, feoffments, leases for life, and other conveyances. Pardon of Alienation, pleading 'diem clausit extremum, Mandamus, quæ plura devenerunt, offices post mortem, inquisitionis ex officio,' except for escheats. Also all Concealed Wards 'de futuro,' all Instructions, all Alienations past, all Bonds and Covenants for Performance of what tends to Knights Service; all these to be determined. The like for Wards of common persons, viz. All Wards now in being, or found by office, or which shall be found by office before the conclusion of this Contract, and whose ancestors died within 3

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years before, these to be saved. Relief upon Knights Service to cease. Patentees that pay a sum, or pay 10ths or Fee-Farms. These not to double their rent upon a relief to be paid. Escheats, Heriots, Suit of court rent, work-days and such Services; these all to remain. Aid to the king to remain, but limited in a certain to 25,000l. 'cum acciderit.' Aids to common persons to cease."

"*Die Martis* 26 *Junii*, 1610.—If any Body Politic or Corporate, or other person or persons, or any from or under whom they claim, have had possession, and been reputed owners by the space of 60 years, and neither the king nor his progenitors, nor any other for him or them have had possession, by taking of profits by the space of one whole year, without interruption, within 60 years, the king's title before that time shall be extinguished; and such possessor or reputed owner of the inheritance shall hold the inheritance against the king's maj. his heirs and successors; and against his patentees, and all claiming from, by or under him or them, or any of his progenitors; and if the king's maj. or his progenitors, have been in possession only of a rent reserved upon arrentation of Assarts, or waste grounds in forests or other lands, or upon some grants in fee-farm: and any Body Politick or Corporate, or other person, have enjoyed the lands, tenements, or hereditaments for which such rent is paid, by the space of 60 years and more, as his own proper soil and inheritance, the king's maj. his heirs and successors, shall enjoy the said rent only; and the reputed owners shall hold the inheritance according to the several reputed estates; and all others claiming or pretending title under any that shall gain the inheritance against the king by this law, either for years, life, entail, or for other estate, either at the common law, or according to the custom of any manour, shall hold and enjoy the same, according to their former supposed estate.—And, it was thought reasonable that some course be thought upon concerning such as pay the king any rents for land, as chief lord, or otherwise, having had, by the space of 60 years or more the freehold and inheritance of the said lands in themselves, or such from whom they claim that claim, that by colour of such rent received, the king should not be entitled to the inheritance.—And, that some course may be taken for limitation of entries, and actions of rights, and titles of lands belonging to the Duchy of Cornwall, principality of Wales, and counties of Chester and Flint; and, namely, that some provision be made for it in the patent now shortly to be passed to the Prince of Wales, that such as have been reputed of the inheritance and had possession above 60 years, shall not be impeached."

"*Patentees to be concluded, in like sort, as if the estate had still remained in the King.*—1. That Letters Patents of his maj. his heirs and successors, and other his progenitors, not heretofore made void by judgment, or such entry as hath been made known by one year's continuance of possession, shall be continued, and taken most beneficially for the patentees, their heirs and assigns; in case any estate of inheritance be passed, and for the patentee, his executors, administrators, and assigns, to whom any lease hath or shall be made, according to the purport of the said letters patents or lease; and no other exposition to be made of any patent, grant, or lease, of the king, or his progenitors, but such as the law makes in grants, and leases, made by common persons, any collateral matter, common rule, or maxim to the contrary notwithstanding.—2. And that all Letters patents, grants or leases, from henceforth shall be expounded, constructed, taken or adjudged, to pass all rights, titles, estates, and interests, whatsoever the king at the time of the said letters patents made, might have passed as king or duke; and that such grants as have been made under the Duchy-Seal of Lancaster, of land reputed Duchy-Lands, by the space of 60 years, shall be good notwithstanding the king have any other title hereunto, in right of his crown or otherwise. 3. That the king or any patentee of the king, his heirs or successors, shall not take any forfeiture of his estate for non payment of rent, but only shall have a penalty of double the rents; but that the lessee shall enjoy his estate against the patentees as he did under the king; and that leases made upon suggestion of surrenders, may not be overthrown for defects or imperfections of or in the surrender, or for want of surrender. 4. The subject upon every information of instruction be admitted to plead the general issue, "not guilty;" and not be forced to any special plea; neither shall any Injunction in respect of such plea be granted, to turn him out of possession, having had possession by the space of one year before. 5. The point concerning penal laws and informers, shall be ordered as shall be most for the benefit and ease of the subjects, preserving the force of the law, and a course to be established for the due execution thereof, and inflicting the penalty. 6. All purveyance and takings for his maj.'s use, the queen, the prince, and all other the king's children, and for all offices, courts, councils, and societies whatsoever, to be utterly taken away, as well purveyance and taking of household, stable, navy, servants, labourers, and all other provisions; and also, for carts, horses, and carriages, both by land and water; and, generally, all purveyances and takings for whomsoever, whatsoever, of what name or nature soever, to be for ever extinguished; the composition for the same to be all dissolved and released; the clerk of the market, and all others, to be disabled for setting any prices; the power and prerogative of pre-emption to be determined not intending hereby the pre-emption of Tin. What regard shall be had to the merchant-stranger in this point, to be left to further consideration. 7. That his maj. would be pleased to pardon, release, and discharge all old debts, due to him or any of his progenitors, before the 30th Eliz.;

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and that hereafter every subject, sued or molested for any debt due to his maj. or his progenitors, or that shall grow due to his heirs, may plead that the same debt became due to the king or his progenitors, by the space of 10 years past; and that the same in the mean time hath not been sued for in any of the king's courts, and that the same appearing to be true or so proved, shall be a good plea in bar. 8. All pre-fines, and post-fines due upon alienation, by fine or recovery, to be taken away."

"16th July, 1610.—That where any man shall be outlawed, at the suit of a common person, before judgment or after, the plaintiff first, and all others after him in order as they desire, all may be paid their just debts out of the forfeiture grown to the king, before the king or any other take any advantage of such forfeiture. In like manner, in all attainders of felony and treason, all creditors to be satisfied for their just debts, out of the estates of the persons attainted. That the clause in the stat. 34 and 35 Hen. VIII. by which the king hath power to alter the laws for Wales and make new, be repealed."

"*In the interim till our next Access*:—No man to be questioned or troubled for any land upon defective titles, either upon pretence that the patent is void, or for assart lands, and such like, which have had long possession and no patent. No man to be questioned for land gained by the sea, be it ancient or new. No concealed ward to be sought after, nor any to be questioned, after the death of whose ancestors an office hath not been found within 10 years. No man to be questioned for old debts; nor alienations without licence; nor be confined to plead his licence, or title, or tenure, in the exchequer."

"18th July, 1610.—1. That whereas the House of Commons have already, among their Grievances, preferred a petition to his maj. as of right and justice, that the 4 English counties may have a trial by law, concerning their inheritance to the common laws of this realm, and so to be exempted from the jurisdiction of the President and Council of Wales (a matter wherein the whole realm is deeply interested), notwithstanding, upon occasion of this great Contract, the Commons doth humbly petition to his maj. as of grace, that without further suit, trial, or trouble, those counties may be restored to that their ancient right, the same being no way prejudical to his maj.'s honour, in point of sovereignty (as we conceive), as being alike to his maj. in which of his courts his subjects have their trials; and in profit much less: but rather being a matter of greater benefit to his maj. in the duties due for suits in his Courts at Westminster, and to his maj.'s loving subjects there, it will be a matter of great comfort, and of enabling them the better to perform their part of this Contract, by easing them of much causeless vexation and charges, which in trifling suits they now bear and endure. 2. The king to be bound upon demurrers, to express the cause of demurrer for form, as the subject is by the stat. 27th Eliz. 3. Petition to be made to his maj. to grant out Commissions, to declare the just and due fees of all the courts and offices in this realm, so far forth as they are to be paid by the subject; as they to be reduced into a book and printed. 4. His maj. also to be petitioned to appoint some to make a diligent survey of all the penal statutes of this realm, to the end that such as are obsolete or unprofitable may be repealed; and this for the better ease and certainty of the subject; all such as are profitable concerning one matter, may be reduced into one statute to be passed in parl. 5. The Lords to join with the Commons in Petition to his maj. for recompence to be made by his maj. to all such officers of courts, as are damnified by this Contract in point of Tenures."

"20th July, 1610.—6. His maj. to be petitioned that he will be pleased to grant no Protections contrary to law. That the extent of every article that is decreed for the good of the Commons in this great Contract with his maj. should be expounded and explained in all causes doubtful, by the Commons, according to their true meaning. Reservation to be made of further addition at the next session, of any proposition within the bounds agreed on; viz. not to impair his maj.'s honour, in point of sovereignty, nor to diminish his estate, in matters of profit, without recompence for the same."

"21st July, 1610.—Answer to the Lords' 8 Propositions, viz. 1. What assurance his maj. shall have of 200,000l. yearly revenue? *Answer*. Not having resolved yet whereupon to raise this revenue, nor in what manner to levy it, thus much we are resolved of, That it shall be stable and certain to his maj. and convenient for his maj.'s officers to receive and gather it.—2. What matter of content in the interim shall be brought down into the country? *Answer*. 1st, to the meaner sort, the assuring them that nothing shall be levied upon their ordinary victuals, viz. bread, beer, and corn, nor upon their handy labours. 2dly, to the better sort, the view of these things, which in lieu of that sum we shall receive from his maj. whereof copies to be taken down by such as please. 3rdly, in general to all, his maj.'s gracious Answer to our Grievances.—3. What course now for the settling of this great Contract and proceeding in it? *Ans.* First of all, we proceed now, by addition of some more Articles, which, together with the former, in one entire copy, we will present to the Lords. 2dly, for the settling of it at our return to find it as we leave it, we will enter in our book, 1. What we have demanded, viz. these Articles. 2. What we have resolved to give therefore to his maj. viz. 200,000l. by the year. 3. The security to be by act of parl. in as strong sort as can be devised. 4. The manner of levying it to be in such sort as may be secure to his maj. and in the most easeful

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and contentful sort to the subject, as by both houses of parl. can be devised."

"*Memorial concerning the Great Contract with his Maj. touching Tenures, with the Dependents, Conveyance, &c. conceived by the direction of the Lords of the Higher House of Parliament, viz.*

"Whereas the knights, citizens, and burgesses of the Lower House of parl. have this day, by committee, delivered to the Lords Committees of this House, a Memorial by them conceived and put in writing, containing certain Articles concerning the great Contract with his maj. which during this session hath long and often been in speech and debate between their lordships and them, as well on his maj.'s behalf, as for the interest of their lordships, and of the said knights, citizens, and burgesses; by which Contract they are tied to assure unto his maj. his heirs and successors, the sum of 200,000l. in yearly revenue, in satisfaction of the great yearly profits which his maj. hath or may make, as well in respect of the wardships of the bodies and lands of his subjects, and all other incidents to Tenures, as of the benefit arising by post-fines, defective titles, assarts, and many other immunities and privileges, together with the extinguishing of purveyances, (all tending to the profit and ease of his maj.'s subjects), in the conclusion whereof there is this clause inserted, viz.. 'that the extent of every Article that is desired for the good of the commons, in this great Contract with his maj. should be explained and expounded in all clauses doubtful, by the Commons, according to their true meaning.' And whereas at the presenting of the same Memorial, it was also delivered in the name of the Lower House, by sir Edwyn Sandys, that, notwithstanding the said clause inserted, it was not intended to make any question of the price, or of any main part of the Contract, because they were agreed in the substance; but only to receive some liberty for the exposition of the extent of some branches, which contained those requests which they had made under that liberty; (which his maj. gave them to propound such other things as should not derogate from his honour or profit) in all which they desired also, by the mouth of sir Edwyn Sandys, to retain liberty, 'addendo, minuendo, et interpretando.' And, whereas it was also delivered by the gent. aforesaid, that the Lower House were resolved, at the end of this, to deliver a clear Answer; that is to say, concerning the king's assurance, though for the manner of levy, they had not yet taken the same into consideration in the absence of their fellows; yet of this one thing they did desire their lordships to remain assured, that it was their full intention and resolution that his maj.'s revenue, depending upon this Contract, should have these two qualities; one that it should be a revenue firm and stable; another that it should not be difficult in the levy. In both which they assured themselves, they did fully answer the meaning of that speech which made mention of Terra Firma. And, forasmuch, as the knights and burgesses of the Lower House, have also acknowledged (and that most truly) that they did always understand themselves bound to limit themselves, so carefully, in all things which they have sought for, or shall do, not being particularly expressed at the time that they did accept of the price, as not to demand or expect any condition, whereby his maj. should lose either honour or profit, as aforesaid. The Lords also who are likewise in their own particular estates and possession, (beside the care of the public good) no less interested in the said great Contract than they, and by their eminent places and degrees, are more strictly bound to take care of those things which do particularly concern the honour and revenue of the Crown than others are, have now, upon good advice and deliberation, thought fit and necessary, not only to acknowledge their personal consent to the substantial parts of this Contract, but with the privity of his maj. as an argument of his consent, given order likewise for an entry to be made of the same Memorial, in manner as is aforesaid; that is to say, with the same reservation, which was verbally desired by them in these words; 'addendo, minuendo, et interpretando;' and, with that reservation which is contained in the latter clause of their Memorial, viz. 'That the extent of every Article, that is desired for the good of the Commons, in this great Contract with his maj. should be expounded and explained in all causes doubtful, by the Lords of the Higher House, for the good of his maj. and themselves."

In this situation did this Grand Affair, between the king and the people, stand at the end of the last session; and, by the Demand of the subject and the monarch's Answer, it seemed as if a Contract might have been concluded at their next meeting. The Commons, in this last session, had bartered long for 180,000l. per annum to be paid the king for these liberties; and at last came up to the price demanded (200,000l.) but it was all to no effect. The same parl. met again on the 16th of Oct. the time limited by the last prorogation. But we have now no other authority to go by, for the proceedings of the ensuing session, than the Lords Journals; those of the Commons being lost.

*The Great Contract relating to Tenures, &c.*] Oct. 23d. The business of the Great Contract was resumed by the Lords, who, as their Journals express it, thought good to begin with the greatest and most weighty matter now depending in deliberation; concerning, as well Tenures, with their dependants, as Purveyors and other things; in the state that affair was left at the breaking up of the last session. Their lordships agreed to send a Message to the Commons to desire a conference, by committees of both houses, in order to bring this weighty business to a happy conclusion. Answer was returned that they accepted of the

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Proposal, and Oct. 25th was appointed for that purpose. Afterwards, on the lord chancellor's motion, it was ordered, That all the Lords then in town, and not present, should be warned and required by the house to give their personal attendance, on that day at the hour fixed, which was between 9 and 10 in the morning. At the time appointed, there appeared in the house according to the list, 11 bps. 12 earls, 1 viscount, and 25 barons. The first thing they did was to name a Committee: next was read openly the Memorial, concerning the Great Contract, as it was given in the last session, by direction of the Lords; as also the other Memorial, which was delivered at the end of the last session by the Committee of the Commons. Then the lord chancellor put the lords in mind of the state of the business concerning the said Contract; and moved that their lordships would now give their advice what should be spoken that afternoon to the committee of the other house, touching the premisses, and by whom the same shall be delivered. And because this matter is of such great moment, his lordship wished the debate thereof might be by way of interlocution; to that purpose the house to be adjourned, and the Lords to sit as in a committee; which was generally approved and agreed to.

After a short adjournment, the House of Lords met again on the 30th. When their Lordships were informed by the lord chancellor, That Robert Bowyer, clerk of parl. had lately received, from the under-clerk to the Commons, a letter dated Oct. 27th in these words:

"Sir, I am, by order of the Commons House of parliament, directed to repair unto you, and to desire of you a true Copy of his Majesty's Answer to the Grievances of the subject, presented the last session of parl. as well the Answers to the first four, concerning matter of Profit, as the rest concerning matter of Government, answered the last day. The order is, that you are to subscribe your hand unto it, and to make it ready before Monday morning next, at which time there will be a special occasion of use for it. I am your very assured friend, Ra. Evans. Saturday, Oct. 27, 1610."

The Chancellor added, That the said clerk, in respect of his duty to this House, had forborn to satisfy the contents of the said letter; and had only returned for answer, That of himself he had no power or authority to make forth, or deliver Copies of that nature; but, at the next sitting of the Lords, he would acquaint their lordships with the said letter, and then be ready to do what they should command him.

This Answer was approved by the Lords; who, having considered of the matter, "Thought it both fit and reasonable that the Copy desired should be sent, authentickly, to the Lower House; because the matter and substance thereof equally concerned both houses; and was originally intended by his maj. to be imparted to all his loving subjects without distinction." But, their Lordships did not approve of this manner of demand; which should have been by motion to themselves, and not by a letter from an under clerk to the clerk of this House, or by any such order or direction as above. Notwithstanding this, as their wisdoms thought it not convenient, that, for this cause, the weighty business of this Great Contract with his maj. being now in treaty, and for which this session of parl. was chiefly held, should any way be in danger to suffer interruption, impediment, or delay; it was agreed to by all the Lords and ordered, "That the Clerk of this House should, by the leave of the house, send to the said clerk attending the Commons the Copy desired, under his hand, with an Answer to this purpose:"

"Upon receipt of your letter, I have this inst. 30th Oct. acquainted my lords of the Higher House of parl. therewithal. Whereupon, their lordships are well pleased and content that I shall send you, under my hand, that which is desired, which herewithal you receive accordingly. I rest your assured loving friend, Ro. Bowyer."

But, an Entry was ordered to be made in the Journal, with special caution and provision, that this particular be not at any time drawn or used as a precedent; but, that in all cases of like nature, hereafter happening, due course and care should be observed for preserving the honour, dignity, and privilege of that house.

*The Parl. dissolved.*] This condescension of the Lords to the Commons had not the wished for effect; for though the conferences began again between the two houses, about the Grand Contract, yet they came to no conclusion. The Journals give no account of any Report made from these committees, relating to that affair; and on the 6th of Dec. after two short adjournments, the parl. was prorogued by commission, to the 9th of Feb. ensuing. And, on that day, the lord chancellor produced another commission, from the king, by which he declared this parl. to be finally dissolved.—It is easy to see, by the abruptness of these proceedings, that the king and his parl. parted in no good humour with one another; but, since the Journals are silent, as to that matter, we must have recourse to the history of the times for an explanation. Wilson tells us, "That on the meeting of this session of parl. the members were willing to secure their allegiance to the king, out of piety; yet, they were so strict even in these youthful days, which he called obstinacy, that they would not obey him in his encroachments upon the public liberty which he began then to practice. For being now seasoned with 7 years knowledge in his profession here, he thought he might set up for himself; and not be still journeymen to the lavish tongues of men, that pryed too narrowly into the secrets of his prerogative, which are mysteries too high for them, being Arcana Imperii, fitter to be admired than questioned. But, the parl. were apprehensive enough, that these

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hidden mysteries made many dark steps into the people's liberties; and they were willing, by the light of law and reason, to discover what was the king's, what theirs: which the king unwilling to have searched into, after five sessions, in 6 years time, dissolved the parl. by Proclamation."—Our Historian has thought proper to mention this Proclamation, only, without giving us a copy of it: but we are beholding to the Continuator of Stowe's Chronicle for a genuine transcript of this act of state, which will fall very aptly in this place:

*The King's Proclamation setting forth the Reasons of this Dissolution.*] "Whereas the king's most excellent maj. continued this parl. together, longer than hath bin usual, or might well have stood either with his important affaires of state, or with the publicke business of three whole termes spent in the two last sessions; or with the occasions of the countrey, where the service and hospitalitie of many persons of qualitie hath beene missing, and divers shires, cities, and burrough townes have beene burdened with allowances made to the knights and burgesses whom they imployed; besides the particular expense of the nobilitie and others attending that service. And all this in expectation of a good conclusion of some of those weighty causes, which have been there in deliberation, not only for the supply of the necessities of his majesties estate, but for the ease and freedom of his subjectes, in many things proposed by his majesty in parl. for differing and surpassing the favors and graces of former times, both in nature and value. His maj. hath now resolved (for preventing of further trouble of all those that would prepare themselves to be here against the time limited by the last prorogation) to declare by these presents that they shall not need to give their attendance at the day appoynted, for any service to be done as members of this parl.; because his maj. (for many good considerations known to himselfe) hath now determined to dissolve this parl. by his commission under his Great Seal of England. Dated, at Whitehall, 31st of Dec. 1610."

*A new Parl. called.*] No parl. was called till the year 1614, when writs were sent out, for one to meet at Westminster, on the 5th of April. The usual preliminaries at the meeting of a new parl. being settled, the king came down to the House of Lords, and being seated on the Throne, made the following Speech to both houses of parl.; the original of which is preserved in the Cotton Library:—

*The King's Speech at opening the Session.*] "It is the sayeing of the wyseste king that evere was, 'That the harte of kings weare inscrutable;' but in the laste parleamente, I muste calle to your remembrance the comparisone I used, whearin I presented myselfe unto you as a mirrore, whearin you mighte cleerelye see the integretye of my purpos for our lengtheninge that parleamente for the generall good and benefyte of the commonwelthe; but as I then sayd of the nature of a mirrore, that it mighte be deffyled by the eyes of the beholdereres, so did some of the lowere house looke uppon me with poluted eyes, and as I may saye, deffyled my mirrore; I canne saye no more nowe then I did then, but to offere you the same mirrore, to [looke to] protestyng as I shall answere it to Almyghty God, that my integretye is like the whitnes of my roabe, my purety like the mettle of golde in my crowne, my firmnes and clearnes like the presions stones I weare, and my affectyones naturalle like the rednes of my harte.—Three important and weighty ends have caused me to caule this present assembly of the lords spirituall and temporall, the knights and burgeses representynge the bodye of my comones, which I muste divide into 3 parts and branches, 'Bona Animæ, Bona Corporis, & Bona Fortunæ,' Relygeon, Safety, and the Asystance of my subjects, which are the true grounds of this and all well-intended parleaments.—For relygione, which the philosopheres, with the glymering lighte of nature, caled Bona Animæ, I muste comend to your considerasones, the great increase of Poperie; notwithstandinge the assiduous labore I have bestowed, and the greate care I have ever manifested, as may witness both my penne and tonge, I think, with moare paynes than any of my predecessores; and for my zeal in private, not to vant of it, for avoydinge vayne glorye, yet I hope all my course of life and actyones will speake for me.—In this is to be considered the Cause and the Remedye; for the Cause, it is undoubtedlye impunite which made them presume to so notoryous declarasones of their increase, and their impunitie proceedethe from two reasones: first, some brainches of the lawes made to meet with them are so obscure, that I myself, with conference with my lords the judges, cannot cleere them; as I could instance in many particulers, that this time, weare fite for it, as in the oathe of allengeance, to which many scruples have rissen, and are yet unresolvede.—Secondlye, for want of due presentment in the contreye by the offyceres appoynted to it, according to the provisyone of the lawe; and in some places when presented, yet they are so favored by the justices of peace, that as a lieutenante of myne in one contreye hath informed me, he could not procure three of the peace, excepte some of his owne frends and servants, that woulde assiste him in the due execushone of my lawes. And this in the first place, I comend to your considerasones.—Not that I desire to make any newe or more rigorouse lawes againste them; but that these may have execushone, which is the life of the lawe, and without it they are but deade words. I speake this not for my favore to them, but for consyense and pollesye.—For Consyense, to avoyde the scandalles which the Jesuites have ever caste uppon the late queene of famos memory, and uppon my governmente, that we have persecuted and taken bloode for relygeone, which I have evere disclaymed.—For Pollesye, sinse no state nor storye cane evidense

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that any relygeone or heresye was evere exterpated by violense or the swoarde, nor have I evere judged it a waye of plantyng truthe. An example of this I take out of the booke of Jobe, wheare when many rigorouse counsels weare propounded, Gamaliel stood upe and advised that, 'If that religion weare of God, it wold prospere; if that of man, it wold perishe of itselfe;' besyde mene are so prone to glorye in defendinge and sealinge their oppinyones with their bloode, that the primityve chirche, in one age, declyned into an affectashon of martirdome. And many heresyes hathe had his martires that hathe gone with the same alacretye, and desyre, and assurance, to the fyre, as those that have witnessed for the truthe have done.—The second and neareste consyderason, to the soule, relygeon, is the safty or 'bonum corporis,' which Lattyne hathe but one worde 'salus.' The principall safetye of this bodye consystes in the preservatione of the king and his issue, and this in preserving a due successyone.—Since the laste parleamente, God, for my synnes and the peoples, hath takene awaye one and the first brainch thearof, but as he gave me the afflyctyones of Jobe, so hathe he gevene me the patyense, and in the end the rewarde, another for him, a grand-child in his plase, onely the the sayeng of Jobe inverted, 'The Lorde hathe geven, and the Lorde hathe takene,' I may say, the Lorde hath takene, and the Lorde hathe geven, yea, he hath geven me compensatyone, 'eodem genere,' a sonne for a sonne. —For the matche of my daughter, though I must saye, that besydes his many other good qualitycs, he is one whom for his persone I could asserte, of all that evere myne eyes beheld; yet, I made this matche only 'reipublicæ causa;' and for establishemente of religion and the comone-welthe have I sacrefysed my daughter. - For the Comone-Welthe, that if my issue male shulde faile, you could have not only prinses borne of true Englishe and Scotts bloode, but norishede with the mylke of the same pure relygeone you now professe.— For Relygeone, in some respect for her, that being younge and a woman, bothe subjecte to frailtye, I wold not delyver hir into the hande of the lyon, when I see so many strong and grounded champyones cannot resiste the cunning and speciousnes of their perswasyones.— Besyde the Reasone of State takene from the mouthe of Henrye VIIth. my ancestore, from whome I clayme my crowne, when he gave my great-grand-mother the lady Magarate to king James IVth. he sayd, 'Heare was no danger in the matche, for that the lessere wold never drawe the greater, but the greater the lesse;' and this rulle was approved by the providence of God, who gave no issue to the two Marys, my mother, and Mary of Englande, heires of his crowne, and marryed to France and Spayne two mightye kingdomes.—Thearfore, I desyre you to shewe your affectyones to my sonne in lawe, by some recognishone, that he may see hee is not holde as an alicne and unregarded among you, and to make a declarashon of the successhone of his issue, if God for our synnes would take away my issue male.—To the 3rd pointe, which is bona fortunæ, as the safety or bonum corporis is the esse, so is this the bene-esse and moste necessarye to it.—The extraordinary charge I was at in this mariage, suche as I beleeve was nevere greatere, which I did performe in the eyes of you all, for my honor and yours is not unknowne, howe by the deathe of my sonne, the mariage peing put of, I was constrayned to defraye my sonne in lawe and his trayne six monthes.—The great expense bothe by sea and lande for transportyng hir into a farre contraye, answerable to my honore and hirs, and this kingdomes, cannot be forgotten by you. Yet if any objecte the aydes, I referre it to youre consyderashons and judgment, howe lytle it is, mesured by the tymes whearin it was firste granted and by this; every one of you feileth it in your fees of courte that are my servants, and in auntyente rente this change of tymes. Therefore, sinse reipublicæ causa, I have undergone this disbursement, it is the commonewelthes intereste to repair it.— Besydes many greate occasyones of expense, by entertainemente of forraine princes and ambassadors, the great and large Christmasses I have kept at my comyng to the crowne, the feare of Ireland, and the consydorashone of that newes bothe of peace and ware are many; I doubte not but your affectyones will holde some proporsyone with my wante.—But I muste be playne with you, I will deale no moare with you like a marchante, by waye of exchange, for every bargaine chete the lone. I will expect loving contribushone for loving retribushone, which is, 'suum cuique tribuere,' the sume of all justyce; and to take care bothe for your ease and preservasone.—To come to accompte with you how and what, it is too base for my qualletye; I will only proove what you will doe in your love, and what the people can spare with their ease; and notwithstanding my many straights, I have chosene to relye on your good affectyones rather than to streche my prerogatyves.—But first, I muste cleare some rumores and aspersyones caste abroade by ill affectyones, that heare are some private undertakers uppon whome I dide relye, who with their credite or industerye, wolde doe greate matters: first, as I proteste it is in itselfe false, so is it unworthie of me, because I had rather have any thing with generall love, moare respectyng the source and affectyon from whence it is derived, then any proffyte by them. This I hope you will credite; silence all the dissonante and jarringe stringes of the kingdom, which shall bringe you home your prinses grace and favore."

After the king had ended his Speech, the Lord Chancellor made a short one; the purport of which was, to signify his maj.'s pleasure to the Commons, that they should retire to their accustomed place, and there, out of their own body, choose one, fit and able, to be their

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speaker, and present him to the king on the 7th of April. Accordingly, on that day, the Commons presented sir Randolph Crewe, kt. as their Speaker; who was introduced to the king by sir Ralph Winwood, kt. principal secretary to his maj. and sir Julius Cæsar, kt. chancellor of the exchequer; and, with the usual ceremonies, was allowed. The first thing the Commons did, after this, was to make an order that every member should take the sacrament at st. Margaret's church, Westminster.

*The King's 2d Speech to the Parliament.*] April 8th. The lord chancellor delivered the king's pleasure, that all the Lords, members of that house, should to-morrow, by 2 o'clock in the afternoon, attend his maj. at the Banqueting-house of the Court, there to understand his further pleasure and direction, touching certain business to be treated on in this parl. We are not told by the Journals, what the King said at this meeting; nor, like the former speech from the throne, is it mentioned by any historian, or even printed in this king's Works. We are, therefore, obliged to the before-cited repository of antiquities, for this Speech also; which is transcribed from a M.S. as old as the time, and in its own orthography:

"According to my promys, I will make you that presente I mentioned the other day at our laste meeting; but, first, I muste make a requeste, that conservynge which I offer, you will looke uppon the affectyon of the givere, and not the vallue of the gyfte; especyally, because it is supported between twoe so beutefull shuiters, sincerityve and love; for sincerityve without love may be too coulde, and love without sincerityve dissimulasion; but whear thes two are conjoyned they make a perfecte bewtye; it is the contynuance of that mirrore, which I onse offered and nowe presente againe, and 'dimidium facti qui bene cœpit habet.' I have begune 'bonis auspiciis,' to make it a parleamente of love, that as the laste begane with discorde and ended so, so this maye begine with concorde and love, and contynue so.—I may offere; it is my parte to be gratious, and yours retributynge. I maye receave assystance and you ease, not to me, but to the thinge which is also the goode of yourselves, the comone goode, that wee doe mutually owe in love. And I maye saye with the prophete, 'Woe is to him that shall caste dissensyon;' if the kinge and comone-wealthe weare contrary, devishone mighte ensue, but beinge one as they are, this holey emulasion of mutual goode shall begyne to-daye one my parte, and one yours hearaftere; that the world maye see the love of the kinge to his subjectes, and your love to the kinge, and thear shall be no emulasyon but who shall offere with moste affectyon.—God is loved for the gyfte he bestowethe, and loves againe for thanke, which is all man cane give, and thearfore in scripture goode men are called the friends of God, because they are benevolente; and I that am kinge and in that offyse doe represente God that muste geve, begine withe offyses and gyftes, and expecte from you a chearfullness in retribushone, with a greatfull harte, accordynge to a comone proverbe manye tymes used to mee, by manye of the courte to move me to some suite, that they dide moare respecte the signefycashone of my grace and favore in such a marke of my benevolence, than the vallue of that which was demaunded; but because I wolde not make anev abrupte speche to you, I will remember you of somewhate spokene the laste daye, to styre you upp to goe one to the principle buseness with moare alacretye.—Firste, as I saye, 'a jove principium,' to have care to the grate encrease of Popcrey; yet I wold not have Papistes to vaunte of theair goode seede, sinse theair greateste conquestes are one weomene and ignorante persones; they assaylle onlie the weaker, and gete to them not suche as they wold but suche as they cane, and it is verey remarkable, an ill cause is moste vigilente and carefull to defend itself; yet, as I saye, not to proceed to towcae lyfe or Lande; for, as I noted, perseeushone was never a justefyed waye of establishinge relygeon; but by the execushone of goode lawes, in which lette my lords the judges witnes for me, if I do not twise a yeare give it them in charge, that they enquire of that encrease in thair circuites; and also twise every yeare require an accompte of it; and for some remedy thearin, I desire you the lords of the upper house, to consulte with the judges; and you of the comones with your owne lawiers.—To that I speake of the Oathe of Allegeance, I intended it not in the lawe, for thear is nothing in the substance of it but every good subjecte maye receave it; but in the waye howe to admynester it, bycause men maye keepe home in thear owne houses, thear is no provishone howe men maye be cauled to it; it is true, that it is a grate happyness that men may lyve in quiete under the lawe, every man under his owne olyve and his owne vine, but this sweetnes oughte not to extend to those, that make that a protectyon to lyve againste lawe.—For that which concerned my sonne in lawe, I shall not need to saye much, I doubte not to f ade you redy; and the bylle, I thanke my lords, hathe bine alredy rede and welle receaved of them.—For the third parte, which concerned the Reliefe of my Estate, I pray you understand me arighte, for righte understanding is the effect of true elloquence; I speake to you the knights and burgeses representing the comones, bycause yours is the greatest parte and you suffer moste, that you will consydere the charge I was at in the maryage-pointe.—The State of Irelande, which I pretend not without juste cause, yet without feare; for thoughe they cane nevere be reduced to so perfecte obedyence without establishmente of relygeon, yet in the laste tryalle of thair parleamente, I have found many goode subjectes theare.—Yet consyder that the memberes most removed from the harte have moste neede of



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succore; they lye moste obnoxious to harme, and as a praye to all enemyes of the bodye; and thoughe none of myne ancestores could nevere be cauled so absolutly a kinge of that contraye as I maye, yet theare muste be a greate care had of those remoteste partes of the dominion which have alwayes byne emunctoryes of Englande, and whearin moare hathe byne spent in one yeare than wold, by frugallety, be saved heare in manye.—I do not, as I sayde, offere you lyke a marchante or charlataine, but to lette you see what I owe you in justys, 'suum cuique tribuere;' yet what I geve, free-grace will require that you accepte with chearfulnes.—I demaund not this nor that, but only the ground of your love, and the measure of it by the measure of your benevolence; but what shall be the ende of this, the kinge will growe in love with parleamentes, and so be ever drawinge and wearinge of his subjectes. I answer, my comforte shall be onely to meete you to consulte of the comone weallfares, and howe I may ease you, and to receave your greevances, for I hope to fynde a waye, by improoveinge my revenewe justely; beleeve me, I shall be ashamede to demaund any moare in this kynde, or to be ever importunate; yea, as I saye, of any private men; but this as I vowe it is farre from my harte to accepte, so hathe it nevere byne offered; it is true that every honeste and goode subjecte oughte to offere his camelles and service unto me, and so perhaps I have herde the oppynyones of many, but nevere in so unworthie a proposytyon.—The rumore perhaps hathe growne from the ambysyous contensyon of some men, in the electyone of some knyghte of the sheeres, which I nevere herde of before 24 howres; what I wholye disavowe, that I nevere directely or indirectely dide prompte or hinder anye man in the free electyone, and wheare anye faulte have come by me I wolde have the rezine syned for it; nor dide I ever put any confydence in a partee parleamente, and of this I appeale to all the sherryfes and lordes, let them accuse me freelye.—Another brainche I must add to the former three, which indeede concernethe bothe saftye and proffyte, and concourethe to them bothe; that wee maye meete this parleamente to remoove and take awaye all oppynyone of drines betweene me and my subjectes, which our lengthenynge out of the laste hathe riested in the harte of manye bothe at home and abroade; of which thoughe some of the lowere house weare in parte guilty, yet I muste confese theare was misunderstandinge on bothe sydes, and perhaps, mesages broughte betweene us by some (whom God forgyve) rather to countynence and encrease then to reconsylle and cleare the errore; but, 'sublata causa tollitur effectus,' this beinge removed and our understandynge rectefyede, I hope, this shall be cauled a parleamente of love.—I will begyne my parleamente contrary to the ordere of all other, who gave, lyke a retribushyone, theire graces in the end; but, I will begine this with offeres to you, which I speake not to intyse you or intrape you, but severalley to shewe my love and intensyone to unburthen you of many greefes; but I refarre the partyculeres to be delyvered in writyng at our nexte meetynge.—To conclude with some generall notes to advance the busenes for which wee are mette; I commend to your consyderasons, the tyme of the yeare farre spente, the waighte and importance of the affaires compared with it, will styre you upp to proceede rowndley, and not to loose tyme in cerremonyes and trifles.—2ndly, To remembere that what Greevances come into questyone, that you will use a meane; I confess it is more fyte you should presente them unto me, every man for his contraye or toune wheare he is burthened, provided they be fyte greevances; but to heape them together in one scroule, lyke an armie, will but caste aspersyone uppon me and my governemente, and will savore moare of discontente then desyre of reformashon.—And do not beleeve I am so tendere of my prerogatyve as some have rumored me; I desyre to keepe also that meane, as I wolde not loose any the honores and floweres of my crowne, which I have receaved with it, but rather loose my life, so I wold no waye stretche them, no, I will wade no forther thearin then the beste of my predecessores have done.—And wheare any controversyes arise, my lordes the judges chosene betwixte me and my people, shall discide and rulle me.—As touching Proclamashones which in the laste parleamente was excepted at; as he is a trayterous subjecte that will saye a kinge maye not proclayme and bynd by it, so did I nevere intende proclamashones to have force of lawe, but to prevent misgreefe arrisyng, whearin the lawe hathe no provishon, untyll a parleamente cane provide; and this I speake because of my laste long proclamashone consernynge duelles, which I proteste I did oute of consyence to meete with that giddy opynyone of reputashon, seeinge they have found a shiffle to avoyde the provishon of lawe by things beyonde seas, by the example of the late kinge of Fraunse; hopynge it shall take bettere effecte then thear it hathe done, by reason of this things notorietye, which, howe barbarous it is, that every fellowe that hathe byne but over in the Lowe Contreyes, thoughe he retwrn in raggs, shall come a judge of honore; to meete, I saye, with this inconvenyence, untyll a parleamente could take order thearin, which nowe I commende to your grace and consyderashon.—Lastely, the Forme I meane to houlde in our proceedinges, to avoyde the longe conferences betweene the Upper and the Lower House, which breede but delaye, for sometymes the Lower House broughte nothinge but tonges, sometymes nothinge but years; I meane to propound to the lordes matteres propere to them by bylles, and the lyke to you, and to speake to you myself and receave your answers; this to prevente unnecessary meetynges, and to hastene our busenes, that wee maye proceede to the moste

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urgente pointe. And I do propose to contynewe this parleamente to another sesshones at Michelmas, when maye be supplyed any suche defecte as this shorte tyme will not geve leave, perhaps, to be amended. For I will meete you oftene in this kynd to shewe myself contrarye to all tyrantes, who love not advisynge with their subjectes, but hate parleamentes; but moste I desyre to meete with you when I mighte aske you nothinge, but that we mighte conferre together freelye, and I maye heare oute of everye cornore of my kingdome the complaynte of my subjectes, and I will delyvere you my advise and asystance, and wee will consulte onlye 'de reipublica;' so shall the world see I love to joyne with my subjectes, and this will breede love as acquaintance doth amongste honeste men, and the contrary amongste knaves.—That as the laste parleamente begane with trouble and contenshone and ended so, so this maye begine with alacretye and love, and conclude so lykewise; whear saftie shall be abroade and love at home, and all aspershones and rumores of discontente betweene me and my people shall be takene awaye, and wee maye synge togethere, 'ecce, quam bonum et jucundum;' and when you shall retwrne to your contraye, you shall have prayses, and be approoved in the choyse made of you, that you have behaved yourselves discreetelye, that you have geven contente to your king, and accorded. But I shall be ashamede to be wearisome to you.—Howe to proseede in this mutual love, to meete in a sounde oppynyone with the kinge as he doth with you is a parte of your worke.—For undertakers, I proteste, I nevere was so bace to calle or relye uppon anye but your generall love, and if anye had byne so fooliche to offere it, yet had it byne greatere folley in me to have accepted it; and for electyones and patchinge a parleamente, I knowe none of them, nor interceded, and who will doubte of this gives me the lye. I did proseede with a desyre to truste my subjectes, and to this my counselle and other gentlemen have encouraged me, that as I intended gratyously to them, they wolde deale lovingley with me, and this was all the undertakinge.—To remembere the shortenes of tyme, to avoyde all cureosetye, and to proseede with celeretye to the moste waighty affayres; and if anye sholde begine with newe matteres, newe questyones, 'Rejice anniles fabulas, rejice genealogias:' if anye bringe discorde amonge you, accompte him an enemy that doth not only not maintayne this *summum bonum*, this harmony, but seekes, by disensyones questyones, to severr the affectyones of the kinge and people; that I maye rise with desyre to returne and meete you oftene, and you returne with the prayse of discreete and well-tempered men: if anye man preche anye other doctryne, *Anathema sit*, and esteem his elloquence as a guildene sepulchere. This I have spokene to your hartes, your affectyones, and to your heades, your reasones; and if anye other issue succeede blame yourselves, for I have dealte with sincerityve. And will conclude with my offeres, which, bycause they proceede of grace, I have put them into bylles."

May 7th. The Lord Chancellor moved the house That an Order, made the last session of parl. for the better Attendance of the peers, might be read and confirmed; which was done accordingly.

*Debate in the Lords as to a Conference with the Commons upon Impositions.*] May 21st. A message was sent from the Commons to the Lords to desire a Conference with them, touching the point of Impositions; but, the number of the committee, time and place was left to their lordships appointment. The messengers being withdrawn, the Lords resolved themselves into a committee of the whole house, to consider what answer was proper to be returned to the said message.—The next day this matter was resumed: it appearing to be a business of great importance, and 'vexata questio;' the lord chanc. shewed the house "What disadvantage it would be to the king's cause, as well as to their own honours, if altogether unprovided, they should meet with the Lower House. In which regard, his lordship moved that the lord chief justice, and chief baron, with one judge of each of the said courts, there named, who had been required and were then present to assist that court, might now be heard to deliver their opinions, for the better information and enabling of their lordships to treat with the Commons on the point of Impositions; and that no answer should be sent down to the other house till this was concluded."—This motion occasioned a warm debate amongst the Lords, some approving and some disliking the motion; and the difference not being likely to be settled by arguments on either side; it was at last agreed that the lord chancellor should put the question: "Whether the Judges should deliver their opinions, touching the point of Impositions, before a farther consideration be had of an Answer to be returned to the Lower House concerning the message from them lately received?" This question was carried in the affirmative; and the judges desiring to withdraw a little into a private room to advise by themselves, they soon after returned; and standing uncovered in their proper places, the Lord Chief Justice, in a grave and eloquent speech, "Humbly desired to be excused, for that time, giving his opinion in the case, for many weighty and important reasons which he mentioned. Concluding, that he and his brethren were to speak upon particulars in judicial courts, between the king's maj. and his subjects and likewise between subjects themselves; but in no cause, to be disputants on any side." Then the Lord Chancellor moved the house That forasmuch as no opinion or direction was to be had from the Judges, they would now advise what Answer was to be sent to the Lower House, who expected to hear from them. But time not now serving the farther consideration thereof was referred to the next morning; and

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the Judges were ordered to attend again. Accordingly,

May 24th. The Lord Chancellor renewed his motion of what Answer, &c. on which arose another strong debate, many of the Lords approving and others disapproving of any meeting at all with the Commons on this point: since they all, in general, agreed, That the Lower House was not bound by any order or course taken by their committee, but free and at liberty to alter the same, or vary from it, as their judgments led them. But, to put an end to this debate, it was agreed that another question should be proposed by the Lord Chancellor to this effect: "Whether this house shall meet with the Lower House, and give them a hearing touching the point of Impositions? And the greater number of the lords answering "not content," it passed in the negative.—But still some message must be sent to the Commons; and that day being far spent, the matter was again put off to the next meeting. Accordingly May 26th, the following Message from the Lords was agreed upon to be sent to the Lower house:" "Whereas the knights, citizens, and burgesses of the Commons House of parl. did desire of the Lords a conference concerning Impositions; to which their lordships answered, that they would take it into consideration, and send them an Answer by messengers of their own; their lordships do now return this Answer unto them, That they are, and always will be willing and ready to hold a loving and mutual correspondence with them: but their lordships having entered into a grave and serious consideration, as well of the matter itself, as of divers incident and necessary circumstances, do not think it convenient to enter into any Conference with them concerning the point of Impositions, at this time."

The same day two bills were brought in, and read a first time in the Lords, one of them intituled, 'An act against Vexation of his maj.'s subjects by the Assigning of Debts to the Crown.' The other, 'An act for Repeal of a branch of a statute, 34 Hen. VIII. cattuled, 'An act for certain Ordinances in the king's majesty's dominions and principality of Wales.' Upon reading of both these bills, the lord chanc. observed to the house, "That these were Bills of Grace, offered by the king to his subjects for their ease and benefit."—But these concessions of the king had no effect on the Commons; so much were they irritated against the Lords for not yielding to a Conference: and, on May 28, a Message was sent up to the Lords, by sir Edward Hobby and others, in these words:—

*Complaint of the Commons against the Bp. of Lincoln.*] "That at such time as the knights, citizens, and burgesses of the Commons House of Parl. sent up to the Lords a Message, praying a conference with their lordships about Impositions: they hoped that, neither out of the words nor matter of the message, it had been possible to have framed any sinister or unworthy construction. That notwithstanding, by public and constant fame, they had heard, to their heart's grief, that one in this place and within these walls, namely, the lord bishop of Lincoln (Rd. Neile), in order to dissuade the Lords from a conference so desired, as aforesaid, did use words to the effect following, or the same words, viz. 'That the matter, whereof conference was by that house desired, is a 'noli me tangere;' in conferring, also, that the taking the oaths of allegiance and supremacy is an impediment: so, as whoso had taken the said oaths might not enter, safely, into conference of the said matter. Affirming farther, That it did strike, not at a branch, but at the root of the prerogative of the imperial crown; and that he doubted least in such a conference, as was desired, there would, from some of the committees of that house, proceed some undutiful and seditious speeches, unfit for their lordships to hear; tending to a dangerous rent and distraction of both houses, and to make an alienation between the king and his subjects.' That of such scandal their house is so sensible, that they have sent these messengers to signify their grief, and that they held the Lords so honourable, that they cannot but also take notice thereof. Wherefore, that house did desire that their lordships will join with them in some course to give them satisfaction for so great a wrong done to the Commons; which they have taken so to heart, that they have determined to forbear all parliament matter, until they may receive Answer from the Lords; wherein they doubt not but their lordships will deal nobly with them, and they desire it may be speedily."

Sir Edw. Hobby being asked by the lord chanc. Whether he had in writing the Message so delivered, as aforesaid? Answered, he had not. The lords then returned Answer "That they had taken notice of the message, and will take the same into further consideration, as the weight thereof requireth: wherein they will have respect both to their honours and the honour of the other house; and will send them further answer. After this, a short Memorandum is entered on the Journals, intimating, That before the Answer, above specified, was agreed on, the serjeant of the Lower House came to the gent. usher of the Lords, to learn, Whether their lordships would send answer to the message on that day, or not? To which the gent. usher, with the privity of the Lords, answered, as from himself, That he knew not.

May 30th. The Lord Chancellor moved the house to consider and resolve of an Answer to be sent to the Message or Complaint, which they lately received from the other house, touching the bp. of Lincoln. And, by order, the abp. of Canterbury produced a copy of one, ready drawn, for that purpose, which being read, was to this effect: "That the Lords, having received from the Commons a Complaint against the bp. of Lincoln, have seriously entered into Consideration of it, and

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do now return this Answer, That their lordships would take very tenderly that any unworthy aspersion should be laid on that body, which they so much respect; and with whom they desire to hold all good correspondence and agreement." But forasmuch as the Complaint seemeth to be grounded, not upon direct or certain proof, but only upon common public fame; their lordships do not think that common fame only is a sufficient ground, whereon they may proceed as in this cause is required. Nevertheless, their lordships are so respective of any thing that may concern that house, that when they shall be more certainly informed, in direct and express terms, what the words were wherein the lord bp. of Lincoln is to be charged, and how the same are to be proved, they will proceed therein so effectually, according to honour and justice, as it shall thereby well appear how careful they are to give to that house all good satisfaction in this business that may be, and to omit nothing that can be justly or lawfully done in that behalf. This Answer was approved on by the whole house, and sent in writing to the Commons, by messengers of their own; with this instruction, That if they, of the Lower House, should require to have the Paper, then the messengers were authorized to deliver the same, which they did accordingly.

May 31st. Another Message from the Commons, brought by sir Roger Owen and others; who, having first repeated the substance of their lordships Answer of yesterday, acquainted this house: "That though the Commons did not take common and public fame to be a sufficient ground or proof, by a legal and ordinary course of justice, in proceeding against any man; yet they held it enough to induce the Lords of that house to take the matter into consideration. And, albeit they did not set down the words, in particular; yet was the matter, as they conceive, sufficiently laid down, when in effect they said, "That the lord bp. of Lincoln, in this house, to dissuade the Lords from a Conference with them touching Impositions, termed the prerogative, &c. a 'noli me tangere;' insinuating that the taking of the oath of supremacy and allegiance did restrain a man from treating of that business: also he doubted but in the conference would be used, or spoken, some undutiful and seditious words, not fit for their lordships to hear, or words to the like or worse effect. That now the Commons do desire the Lords, if these words were not spoken, so to signify it to the house; otherwise, if they were used, then they hope their lordships will do as they have promised. Lastly, from the commons, he said further, That they knew not what other course they could have taken to bring this matter to examination, or otherwise have any undutiful speech, which may be moved in either house, called in question."

After sir Roger Owen had delivered his Message, the lord chancellor asked him, If he had it in writing? To which he answered in the negative. The lord chancellor then acquainted him, That the house would take his message into consideration, and send Answer, if they could, before they rise: otherwise, will let them know as much. Accordingly, the same day, the lords sent to acquaint the other house, "That they had considered of their last message, and, in debating thereupon, the lord bp. of Lincoln had humbly intreated that he might be heard to explain himself; which being granted unto him, he had made a solemn protestation, on his salvation, that he did not speak any thing with any evil intention to the House of Commons, which he doth with all hearty duty and respect highly esteem. Expressing, with many tears, his sorrow that his words were so misconceived and strained further than he ever intended them; and that his speech should occasion so much trouble to their lordships or that the Lower House should take offence at it. Which submissive and ingenuous behaviour of his, had given this satisfaction to their lordships, that, howsoever the words might sound, his intention was not as it hath been taken. And their lordships do assure the Commons, That if they had conceived the said bishop's words, to have been spoken or meant to have cast any aspersion of sedition, or undutifulness unto their house, (as it seems report has carried it to them) their lordships would forthwith have proceeded to the censuring and punishing thereof with all severity. Nevertheless, though their lordships have thought fit to signify their carefulness at this time to give them contentment, for the better expediting his maj.'s great business, and to retain all good correspondence with them; yet their lordships are of opinion, That hereafter no member of their house ought to be called in question, when there is no other ground for it, but public and common fame."

The Messengers then proceeded to tell the Commons another part of their message, which was, that the Lords did desire a Conference with them by committees of either house, about a Bill for punishing Abuses committed on the Sabbath Day, called Sunday; which was accepted on. This bill had been depending some time in the house of lords; but as it was prevented from being made a law by the sudden dissolution of this parl. we can give no farther account of it. And at the conference the committee of the Commons, declaring, That they had no authority, or warrant, to treat, or confer, but only to hear what should be said by the others, and report the same to their house; the Lords broke up the conference, and delivered back the bill to their own house. Before we go on with the further proceedings of this session in the House of Lords, it will be necessary to look back into the Journals of the Commons, for an enlargement and confirmation of the foregoing particulars; as well as a recital of some matters not mentioned in the other authorities.

*Case of the King's Attorney-General.*] April

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8th, when the Commons were adjusting their privileges, and rectifying elections; a remarkable Case was started by mr. Duncombe, "Whether the Attorney-General might be elected, in respect there was no precedent that such an officer of the crown could be chosen a member of that house? Sir Hen. Hobart's case being different, he being a member of this house when he was made attorney-general." In the debates on this question, sir Roger Owen argued, "That no attorney was ever chosen; nor, anciently any privy-counsellor; nor any that took livery of the king. He quoted some precedents for this; as the 7th Rich. II. a knight bannerer was put out of the house; and by printed authority, he instanced sir Thos. Moore's treatise after he had been chancellor and speaker. That the eye of a courtier can endure no colours but one; the king's livery hindering their sight. Compared them to a cloud gilded by the rays of the sun; and to brass coin which the king's stamp makes current." Sir John Savile moved, "That those privy-counsellors who had got seats might stay for that time; but to put the question, Whether mr. attorney should serve in that house? Much more debate ensued on this, till, at last, it was agreed to be referred to a committee to search precedents, &c. Upon the whole, it was resolved on the question, That he shall for this parl. remain in the house; but never any attorney-general to serve for the future.

*Debate on the Motion for a Supply.*] April 12. Mr. Secretary *Herbert* moved for a Supply. He said, "that if he was but a private person, and not bound by duty, his motion would not be entertained with so much jealousy. But, as a sec. of state he urged it not for the private use of the king, but the public good of the commonwealth. That the state cannot act without redress of those miseries we are under. He took them to be ill members, who, to enrich the king's coffers, ransack and ransom the king's subjects. The strength of the king is in the wealth and love of his subjects. And to relieve the necessities of the state, the king hath taken 'rectam et regiam viam,' by calling a parl. 'Nemo tenetur suam turpitudinem revelare;' the king's Debts should be made known by those who are best acquainted with them. His Navy, the walls of our country, never in better equipage; yet, in such necessity, as must have been long since dissolved, if special care had not been taken to prevent it. That the cautionary towns, for want of pay, were like to mutiny. Ireland was not so much a thorn in our foot, but a thorn in our side. If a revolt should happen there, what shame and disgrace would be to leave it, or what trouble and danger to recover it? The last disorderly parl. there hath awakened Tyrone; who is now treating with the Pope to come next summer, and that all the ill-affected there wait the issue of this parl. His maj.'s Charge in Germany, for settling the right inheritors there. The state of France. The custom of Spain to fish in troubled water. If, by the double marriage, the king take part, he must needs become a party, though with the charge of a royal army. The superfluities of one year, of every man at his table, apparel, &c. will discharge the king's Debts and protect us and all our privileges. That we now are exposed, by our poverty, in all other parts to contempt and scorn. That his maj.'s grace, as it is offered to us, may be termed another Magna Charta. The marriage of his daughter was another cause of this debt. That the Pope never had so great a blow as by that match; which occasioned the king to banish so dear a daughter from so indulgent a father. He concluded, that a cheerful and speedy contribution would be grateful, but with all the conveniency possible; which would be great joy to all, when heard abroad, that all differences between the king and his subjects were ended."

Mr. *Chancellor of the Exchequer* said, "That not only his duty to the king, but care of his country, for which he would lay down his life, moved him to inform the house of what he knew they would be glad to hear. That there was no safety to any counsel in this house, whilst the other motion for a Supply to the king was deferred. That 1500 poor mariners were ready to salute them every morning; others, for want of money, ready to pull off his gown. That these were not private expences, or household affairs, but for navy and forts. Dover Castle like to fall down; two or three in the Isle of Wight were in the same condition. Ireland was like to be hazarded for want of money. The garrisons in Flushing and Brill ready to mutiny for the same cause; which are pledges for near 700,000l. If abruptly these things be spoken, he was in fear and trembling for the consequence. And if now the Supply was undertaken, it would be many months before money came in. He offered to disclose the particulars of the debts to any member privately; and the assurance for the well-disposing of what was granted. But that it was not agreeable to the king's pleasure to disclose his debts to every one, no more than to direct them what they should give. He therefore moved for a sub-committee to be appointed for this business."

The *Attorney-General* began next with telling the house, "That since they had been pleased to retain him there, he owed them the best offices he could; and, if they had dismissed him, his best wishes would have been still with them. That all pertinent speeches tended to one of these three ends; either information of the matter to persuade consent, or to trace out the best means to effect the thing proposed. Little remained to him in any of these 3 kinds; since the first had been already delivered by them to whom properly it belonged. But they were to consider what hangs over us all, *viz.* Danger; what upon us, Want. That in times of peace it was proper to provide for defence by a supply of treasure, as well as in time of war; which sometimes

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happens for a flag of glory, or a flash of revenge, and may be pursued or left at pleasure. But when a state is environed with envious foreigners on the one side, and encroachments on trade on the other, and religion so much questioned, peace may flatter us, but not secure us. That the states of Europe were never so dark; and, but to look a year before him, would trouble the best watchman in Europe. There ought to be provision of arms for travelling in the night as well as going to war. And what treaty can we make with strangers for wrongs, but basely on our parts and gloriously on theirs, whilst we are in want. That no private man is more subject to sheriff's officers, than a state in want to surprizes; and that treasure was like ballast to a ship, the word, 'Steady.' That persuasion in this matter was needless and unwise; a wise man should make a fire, but can let it alone when it burneth well. The fire of their affections was kindled by the king's speech; his graces did shine and warm them, without the help of a burning-glass. The king had made such a tract, in almost every point of his prerogative, that the footsteps of king James would ever remain. The king's prerogative was not like a bow or watch-string, but groweth stronger by continuance; and that when his means shall abound, in grace he will superabound. 'Dulcis tractus pari jugo.' The king's business and commonwealth to go together. Lastly, he moved for no particular committee or sub-committee, but a committee of the whole house."—These were the sum of the arguments the courtiers made use of to enforce the Supply; but many more, *pro* and *con*, were the subject of a whole day's debate. The result of which last was, chiefly, to urge that it was not now a time. That divers members were not yet come. The house to be called first. To receive the communion first, as appointed, according to the primitive church, and then to make an offering, &c. In short, the business was deferred till after Easter.

The Complaint against the bp. of Lincoln was made in the Commons, May 25th, on which a long debate arose; and several severe speeches were thrown out against the whole order. One said, There had been continual interruptions all this parl. This bone, amongst the rest, thrown in by a devil, if a bishop may be a devil. That a speech an hon. person made in this house hath rubbed them, and they now winch; sorry such as he had the king's ear so much, &c. and moved to proceed to no other business till this was righted. The next day and day after were entirely taken up with disputes how to act in this affair; nor could a letter from his maj. quiet them; but a message was resolved to be sent to the Lords, to require satisfaction, which was done accordingly, as is before related, with the rest of the proceedings in the Lords' Journals.

*The King threatens to dissolve the Parl.*] June 5th. The Commons still persisting in their former resolution, the Speaker delivered a Message to them, which he had received from the king, "That unless they forthwith proceed to treat of his Supply, he would dissolve the parl." This Message somewhat alarmed the house, and sir Geo. Moore got up and spake to this effect:

"That this Message from the king gave him much uneasiness, because of the state of the commonwealth: his maj.'s wants and the people's grievances; in both which the commonwealth is interested, and is the ship wherein they all sailed, and must live or die. That if they neglected what was now to be done, the commonwealth would receive the prejudice. And moved, without farther delay, to appoint a committee to consider of what was fittest to be done concerning all these great matters."—This speech was seconded by other members, who moved to oblige the king, lest he should lay a heavy hand upon them; that this was a dissolution, not of this, but of all parliaments. That great care was to be had of a good conclusion, without any extremity on either part. Moved to present his maj. with some proportion of Supply presently. And to have a special care to avoid the king's penury, or his disgrace, &c.—At length it was agreed upon the question, "That a Committee of the whole House should prepare an Answer to the King's Message; to meet that afternoon; all other committees, except one on the Bishops' Business, set apart till this affair was done. But though the house met the next day, there is nothing of this business in their Journals; and we must have recourse to those of the Lords for an end of this unfortunate dispute between the three Estates of the kingdom.

Things standing in this situation, and the Commons persisting in their resolution that they would proceed to no business till they had more satisfaction given them from the Lords about the bp. of Lincoln, on the 6th of June, the Lords being met, after a general and long silence in the house, the Lord Chancellor, in a very grave and worthy speech, as the Journals express it, "Gave the Lords great thanks for having so nobly borne with the many motions he had so unreasonably made unto them. And begged leave now to move to them a business, which, as he said, himself scarce understood. He then put their lordships in mind, that the king, for weighty and important reasons, did call a parl. to begin the 5th of April last, and that now it was his maj.'s pleasure to dissolve the same; and for that purpose a commission is now put forth, under the Great Seal, which is this day to be executed." But first he moved that the following Message should be sent to the Commons, which was generally agreed to:—"That the Lords have understood a Commission under the Great Seal of England is set forth for dissolving this parl. as this day, which was begun on the 5th of April last. And forasmuch as they thought to have heard something from that house this morning, they have hitherto

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stayed the publishing the said commission. Their lordships now expect to know whether they shall hear any thing from them or no; otherwise, the lords commissioners must this day dissolve the parl."—The commons took a little time to consider of this Message, and afterwards returned this answer; "That, by it, they were informed of a commission issued forth to certain lords, for dissolving the parl. as this day. And, that their lordships have hitherto made stay of publishing it, expecting to hear something from them, &c. *ut supra.* In answer to which, they give their lordships to understand, That this morning they received a letter, directed to their Speaker, from his maj. whereby it was signified, "That whereas his maj. by former letters, had declared his determination to dissolve the parl. on Thursday next, except, in the mean time, their house should proceed in his important business, for which the same was especially called: yet now it was his maj.'s pleasure to dissolve the parl. to-morrow, being the 7th of this month, unless they shall before that time perform what, by the said former letters, was required. Lastly, that they have entered into consideration of this great matter."—The lords commissioners named in the commission, by order of the house, withdrew to advise what in this case was fit by them to be done; and being returned into the house, by general consent of all the Lords then present, answer was sent to the Lower House, That their lordships having considered of the answer, which that house sent to them, have resolved to adjourn this court until 2 o'clock to-morrow in the afternoon; which was done accordingly.

*The Parliament dissolved.*] On that day were present in the House of Lords, besides the lord chancellor and the 2 apbs. 16 other bps. 17 earls, 1 viscount and 33 barons. Who, being all assembled in their parliament robes, after prayers were ended, the commissioners, taking notice of his maj.'s commission for dissolving the parl. left their proper seats, and went up to sit on a bench or form, prepared for them and placed cross the house, between the chair of state and the woolsack, whereon the lord chancellor usually sitteth. After some small intermission, the gentleman usher was commanded to signify unto the Speaker of the Lower House, that the Lords were ready, in their robes, and did expect the coming up of him and the Commons, to whom his maj.'s pleasure is further to be declared; according to the commission directed to several lords for that purpose.—The Speaker and the Commons being come up to the bar of the house of lords, the Lord Chancellor declared, "That it had pleased his maj. to ordain this parl. to be begun and holden on the 5th of April last; and now, for divers good and weighty considerations, known to his maj. he had thought proper to dissolve and finally determine the same; and, that for the same purpose, his maj. had been pleased to grant a commission to certain Lords." Then the clerk of parl. going up, received the Commission from the Chancellor on his knees; and, afterwards, from his own place, read the same to both the houses.—By the sudden dissolution of this parl. all the bills which had been brought in or passed in either house, were frustrated and entirely disanulled. At the end of the Lords Journal is a Note, or Catalogue, of such bills as were delivered into that house, with their titles, by which it appears that about 60 of them were before the Lords; and though several were rejected, that there were enough left to employ their thoughts and time for that session.

After this, the king and his ministry went on for some years, and supported the Court and state without the assistance of parl. What other ways and means they had to do it, than by the ordinary annual Revenues of the Crown, Customs, &c. will appear in the sequel: for though small in themselves, yet they were treated as Grievances in the next parl. and looked upon as impositions on the public.

*A new Parl. called.*] Rushworth informs us, that it was not till the year 1620, that writs were issued for a parl. to meet on the 30th of Jan. in that year, and on the 18th of this reign.* But it appears by the Journals, that this parl. was summoned to meet first on the 16th of Jan. from thence it was prorogued, by proclamation, to the 23d, and then again to the 30th as aforesaid; divers great and weighty considerations of state, occasioning these prorogations. It is observable, that the first Writ of Summons, which is given at length in the Journals, in the usual form, is directed to Charles prince of Wales, duke of Cornwall and of York, and earl of Chester, &c. Which prince, we find, gave his attendance, in the House of Lords, almost every day of this ensuing session.

*A Proclamation setting forth the King's Reasons for calling this Parl.*] Along with the writs for calling a new parl. the following Proclamation was published, for the electing of proper members to sit in the House of Commons; which we shall give in its original orthography. †

"By the Kinge:—Having occasion at this tyme to deliberate upon divers great and weighty affaires, highly tending to the contynuance and further settling of the peaceable government and safety of this our kingdom, whereof God hath given us the charge; we have thought good, according to the laudable custome of our progenitors, to crave the advice and assistance herein of our well affected subjects, by calling a parl. to begin upon the 16th day of Jan. next; and though there were no more to be had in consideration but the present face of Christendom, so miserably and dangerously distracted at this tyme, besides a number of other great and weightie affaires

* See Rushworth's Historical Collections, Vol. I. p. 21. These Collections begin in the year 1618, or the 16th of this king.

† Rymer's Public Acts, Tom XVII. p. 270.

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that we are to resolve upon; we have more than sufficient reason to wish and desire, if ever at any time, especially at this, that the knights and burgesses that shall serve in parl. be, according to the ould institutions, chosen of the gravest, ablest and best affected myndes that maie be found. And therefore out of the care of the common good, whereof themselves are also participant, we do hereby admonish all our loving subjects, that have votes in elections, that choise be made of persons approved for their sincerity in religion, and not of any that is noted either of superstitious blindness one way, or of turbulent humours another way, but of such as shall be found zealous and obedient children to this their mother-church.—And, as to the knightes of shires, that they cast their eyes upon the worthiest men of all sorts, of knightes and gentlemen that are guides and lightes of their countries, of good experience and of great integrity. Men that lead honest and exemplarie lief in their countries, doing us good service therein; and no bankrupts or discontented persons that cannot fish but in troubled waters.—And, for the burgesses, that they make choice of them that best understand the state of their countries, cities, or burroughes; and where such may not be had within their corporations, then of other grave and discreet men, fit to serve in so worthy an assembly. For we may well foresee how ill effects the bad choise of unfitt men may produce, if the house should be supplied with bankruptes and necessitous persons, that may desire long parliaments for their private protections; or with young and unexperienced men, that are not ripe and mature for so grave a councell; or with men of mean qualities in themselves, who may only serve to applaud the opinion of others on whom they depend; nor yett with curious and wrangling lawyers who may seek reputation by stirring needless questions; but we wish all our good subjects to understand theis our admonitions, as that we noe way mean to bar them of their lawfull freedom in election, according to the fundamental laws and laudable custome of this our kingdome, and especially in the times of good and settled government. Witness ourself at Theobauld, this sixth day of Nov."—The following is a

*List of the House of Commons, returned to serve in the third Parliament of James I.*

BEDFORDSHIRE.
Sir B. St. John,
Sir Oliver Luke.
*Bedford.*
Sir Alex. St. John,
Rich. Taylor, esq.
BUCKS.
Sir Francis Goodwin,
Sir Wm. Fleetwood.
*Buckingham.*
Sir Thos. Denton,
Rich. Oliver, esq.
*Wycomb.*
Rich. Lovelace, esq.
Arthur Goodwin, esq.
*Aylesbury.*
Sir John Dorner,
Henry Burlacy, esq.
BERKS.
Sir Rich. Lovelace,
Sir Robt. Knolles.
*New Windsor.*
Sir Chas. Howard,
Sir Robert Bennet.
*Reading.*
Sir Anthony Barker,
John Sanders, esq.
*Wallingford.*
Sir Geo. Simmons,
Sam. Dunche, esq.
*Abingdon.*
Sir Robt. Hyde.
CORNWALL.
Bevill Grevill, esq.
John Arundell, esq.
*Lanceston.*
Thos. Bond, esq.
John Harris, esq.
*Leskard.*
Sir Edw. Cooke,
Nicholas Heale, esq.
*Lestwithiel.*
Edw. Salter, esq.
Geo. Chudleigh, esq.
*Truro.*
Sir John Catcher,
John Trefuses, esq.
*Bodmin.*
Sir John Trevor,
Jas. Bagge, jun. gent.
*Helston.*
Sir Thos. Stafford,
Wm. Noye, esq.
*Saltash.*
Sir Thos. Trevor,
Sir Thos. Smith.
*Camelford.*
Sir Henry Carey,
Edw. Carr, esq.
*Westlow.*
Henege Finch, esq.
Christoph. Harris, esq.
*Grampound.*
Sir Robt. Carew,
John Hampden, esq.
*Eastlow.*
Sir John Walter,
Sir Jeremy Horsey.
*Penryn.*
Robt. Jermin, esq.
Sir Francis Crane.
*Tregony.*
Thos. Mallet, esq.
Wm. Hackwell, esq.
*Bossiney.*
John Wood, esq.
Ambrose Mannington.
*St. Ives.*
John ld. Paulett,
Robt. Bacon, esq.
*Fowey.*
John Trefry, esq.
Jonath. Rashley, gent.
*St. Germain's.*
Sir Rich. Buller,
Rich. Tisdale, gent.
*St. Mitchell.*
Rich. Carewe, esq.
John St. Abin, esq.
*Newport.*
Sir Edw. Barrett,
Sir Robt. Killigrewe.
*St. Maw's.*
Edw. Writtington, esq.
Wm. Huckmore, gent.
*Callington.*
James ld. Wriothesly,
Sir Hen. Rolles.
CUMBERLAND.
Sir Geo. Dalston,
Sir Hen. Curwen.
*Carlisle.*
Sir Hen. Fane,
Geo. Butler, esq.
CAMBRIDGESHIRE.
Sir Edw. Payton, bt.
Sir John Cutts.
*Cambridge.*
Sir John Hubbart,
Rich Foxton. And, on his being rejected because mayor,
Thos. Mewtas, esq.
*Cambridge University.*
Sir Robt. Naunton,
Barn. Googe, LL. D.
CHESHIRE.
Sir Wm. Brereton,
Sir Rich. Grovesnor.
*Chester.*
E. Whitby, esq. rec.
J. Radcliff, alderman.
DERBYSHIRE.
Wm. ld. Candish,
Sir Peter Fretchvile.
*Derby.*
Tim. Leeving, rec. ib.
Edw. Leeche, esq.
DEVONSHIRE.
Sir Edw. Seymour, bt.
John Drake, esq.
*Exeter.*
John Prowse, esq.
Ignatius Jordan, esq.
*Totness.*
Sir Edw. Giles,
Rich. Rode, merchant.
*Barnstaple.*
J. Delbridge, merch.
P. Dodderidge, merch.
*Plymouth.*
J. Glanvile, esq. rec. ib.
Thos. Shervile, merch.
*Tavestock.*
Sir Francis Glanvile,
Sir Baptist Hicks.
*Dartmouth.*
Wm. Nyle, merch.
R. Matthewe, merch.
*Tiverton.*
John Bamfeilde, esq.
John Davy, esq.
*Beerulston.*
Sir Thos. Wyes,
T. Keightley, merch.
*Plymton.*
Sir Wm. Stroude,
Sir Warwick Heale.
DORSETSHIRE.
Sir John Strangeways,
Sir Thos. Trenchard.



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*Pool.*
Sir Walter Earle,
Sir Geo. Horsey.
*Dorchester.*
Sir F. Ashley, serj. at law,
John Barkins, merch.
*Lyme Regis.*
John Pawlet, esq.
Robt. Hassard, gent.
*Weymouth and Melcomb Regis.*
Mat. Pitt, aldermaa
Giles Greene, gent.
John Freake, esq.
Christopher Earle, esq.
*Bridport.*
John Stroode, esq.
John Browne, esq.
*Shaftsbury.*
Percy Herbert, esq.
Thos. Sheppard, esq. and, upon his expulsion,
Ralph Hopton, esq.
*Wareham.*
Sir Wm. Pitt,
John Trenchard, esq.
*Corfe Castle.*
Sir Thos. Hatton,
Sir Thos. Hammond.

ESSEX.
Sir F. Barrington, bart.
Sir John Deane.
*Colchester.*
W. Towse, serj. at law,
Edw. Alford, esq.
*Maldon.*
Sir Julius Cæsar,
Sir Hen. Mildmay.
*Harwich.*
Tho. Cheke, esq.
Edw. Grimston, esq.

EBOR.
Sir George Calvert, secretary of state,
Sir T. Wentworth, bt.
*York.*
Sir Rob. Askwith,
Christopher Brooke, esq.
*Kingston on Hull.*
John Lister, esq.
Maurice Abbot, esq.
*Knaresborough.*
Sir Hen. Slingsby,
Rich. Hutton, esq.
*Scarborough.*
Sir Rich. Cholmeley,
Wm. Conyers, gent.
*Rippon.*
Sir Thos. Posthumus Hobby,
Wm. Mallery, esq.
*Richmond.*
Sir Talbot Bowes,
Wm. Bowes, esq.
*Pontefract.*
Geo. Shellitoe, esq.
Sir Edwin Sandys, jun.
*Heydon.*
Sir Matt. Boynton, bt.
Sir Tho. Fairfax.
*Boroughbridge.*
Sir Ferdinand Fairfax,
Geo. Withered, esq.
*Thirsk.*
Sir John Gibson,
Sir Tho. Bellasis.
*Aldborough.*
Sir Christopher Hyldyarde,
Edw. Scott, esq.

GLOUCESTERSHIRE.
Sir Rob. Tracy,
Maurice Berkley, esq.
*Gloucester.*
John Browne, esq.
Anthony Robinson.
*Cirencester.*
Sir Tho. Rowe,
Tho. Nicholas, esq.
*Tewkesbury.*
Sir Dudley Digs,
Giles Bridges, esq.

HUNTINGDONSHIRE.
Sir Rob. Bevill,
Sir Rob. Payne.
*Huntingdon.*
Sir Hen. St. John,
Sir Miles Sandes, bart.

HERTFORDSHIRE.
Sir Hen. Carew, comptroller of the household,
Sir Cha. Morrison, bt.
*St. Alban's.*
Sir Tho. Richardson, serjeant at law, and speaker,
Henry Mewtas, esq.

HEREFORDSHIRE.
Sir J. Scudamore, bart.
Fitzwilliam Conisby, esq.
*Hereford.*
James Rode, gent.
Rich. Weaver, gent.
*Leominster.*
Fras. Smallman, esq.
Wm. Beecher, esq.

KENT.
Robt. visc. Lisle,
Sir George Fane,
*Canterbury.*
J. Finch, esq. rec. ib.
Sir Geo. Newman
*Rochester.*
Sir T. Walsingham, jun.
H. Clerck, esq. rec. ib.
*Maidstone.*
Sir Fras. Vane,
Sir Fras. Barnham.
*Queenborough.*
James Palmer, esq.
Wm. Frowde, esq.

LINCOLNSHIRE.
Sir George Manners,
Sir Thos. Grantham.
*Lincoln.*
Sir Lewis Watson,
Sir Edw. Ayscouthe,
*Boston.*
Sir Wm. Armyn, jun.
Anthony Irbye, esq.
*Great Grimsby.*
Christopher Wray, esq.
Henry Pelham, gent.
*Stamford.*
Sir Rich. Cecill,
John Wingfeild, esq.
*Grantham.*
Sir Wm. Armin, sen.
Sir Clement Cotterill.

LEICESTERSHIRE.
Sir George Hastings,
Sir Henry Hastings.
*Leicester.*
Sir Rich. Morrison,
Sir Wm. Herrick.

LANCASHIRE.
Sir John Radcliff,
Sir Gilbert Haughton.
*Lancaster.*
Sir Humphrey May, chanc. of the duchy,
Tho. Fanshawe, esq.
*Preston.*
Sir Edw. Moseley, att. of the duchy,
Sir Wm. Pooley,
*Liverpool.*
Tho. May, esq.
Wm. Johnson, esq.
*Newton.*
Sir George Wright,
Rich. Kipax, esq.
*Wigan.*
Geo. Garret, esq.
Roger Downes, esq.
*Clitheroe.*
Sir Tho. Walmesley,
Wm. Fanshawe, esq.

MIDDLESEX.
Sir Fras. Darcy,
Sir Gilbert Jerrard, bt.
*Westminster.*
Sir Edw. Villars,
Wm. Mann, esq.
*London.*
Sir Tho. Lowe,
Sir R. Heath, sol. gen.
R. Bateman, merchant,
Wm. Towerson, merch.

MONMOUTH.
Sir Edmund Morgan,
Cha. Williams, esq.
*Monmouth.*
Tho. Ravenscroft, esq.

NORTHAMPTONSHIRE.
Sir Wm. Spencer, K.B.
Sir Edward Montague.
And, on his being created a peer,
Rich. Knightley, esq.
*Peterborough.*
Mildmay Fane, esq.
W. Fitzwilliams, esq.
*Northampton.*
Rich. Spencer, esq.
Tho. Crewe, esq.
*Brackley.*
Edw. Spencer, esq.
Sir Tho. Wenman.
*Higham Ferrers.*
Sir Cha. Mountague.

NOTTINGHAMSHIRE.
Sir Jervase Clifton, bt.
Sir Geo. Chaworth.
*Nottingham.*
Michael Purifoy, esq.
Geo. Lassels, esq.
*East Retford.*
Sir Nathaniel Riche,
Edward Worthley, esq.

NORFOLK.
Sir Hamond Le Strange
Drugo Drurey, esq.
*Norwich.*
Rich. Rosse, ald.
Wm. Denny, esq.
*King's Lynne.*
Matthew Clerke, esq.
John Wallis, esq.
*Great Yarmouth.*
Benj. Cowper, ald.
Edw. Owner, esq.
*Thetford.*
Sir Tho. Holland,
Franlingham Gawdye, esq.
*Castle Rising.*
John Wilson, esq.
Rob. Spiller, esq.

NORTHUMBERLAND.
Sir Wm. Gray, bart.
Sir Hen. Widdrington.
*Newcastle.*
Sir Hen. Anderson,
Sir Tho. Riddle.
*Morpeth.*
Rob. Brandling, esq.
R. Fetherstonhaugh, esq.
*Berwick upon Tweed.*
Sir John Selby,
Sir Rob. Jackson.

OXFORDSHIRE.
Sir Rich. Weyman,
Sir Wm. Pope, esq.
*Oxford.*
Sir John Brooke,
Tho. Wentworth, esq.
*Oxford University.*
Sir John Benuet. After his expulsion,

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Sir John Danuts,
Sir Clement Edmunds.
*Woodstock.*
Sir James Whitlock, justice of Chester,
Sir Philip Carew.
*Banbury.*
Sir Wm. Cope, bart.

RUTLANDSHIRE.
Sir Guy Palmes,
Sir Wm. Bulstrode.

SURRY.
Sir Geo. Moore,
Sir Nicholas Carew.
*Southwark.*
Rich. Yarward, esq.
Rob. Bromefeild, esq.
*Blechingly.*
John Hayward, esq.
Henry Lovell, esq.
*Ryegate.*
Sir Tho. Glenham,
Rob. Lewis, esq.
*Guilford.*
Sir Rob. Moore,
John Murray, esq.
*Gatton.*
Sir Tho. Gresham,
Sir Tho. Bludder.
*Haslemere.*
Sir Tho. Grymes,
Sir Wm. Browne.

STAFFORDSHIRE.
Sir Wm. Bowyer,
Tho. Crompton, esq.
*Litchfield.*
Wm. Wingfeild, esq.
Rich. Weston, esq.
*Stafford.*
Matth. Craddock, esq.
Rich. Dyott, esq.
*Newcastle under Line.*
Sir John Davies, serj. at law,
Edw. Kirton, esq.
*Tamworth.*
Sir Tho Puckering, bt.
John Ferrers.

SALOP.
Sir Rob. Vernon,
Sir Fras. Kenniston.
*Shrewsbury.*
Sir Rich. Newport,
Fras. Barkley, Esq.
*Bridgenorth.*
Sir John Heyward,
Wm. Whitmore, esq.
*Ludlow.*
Spencer ld. Compton,
Rich. Tomlins, esq.
*Wenlock.*
Sir Edw. Lawley,
Tho. Wolriche, esq.
*Bishop's Castle.*
Fra. Nichols, esq.
Sir Gilbert Cornwall.

SOUTHAMPTON.
Sir Hen. Wallop,
Sir John Jephson.
*Winthester.*
Sir Rich. Titchborne,
W. Savage, esq. rec. ib.
*Southampton.*
Sir Tho. Flemming,
H. Sherfield, esq. rec. ib.
*Portsmouth.*
Sir Daniel Norton,
Sir Benj. Rudyard.
*Yarmouth.*
Arthur Bromfeild, esq.
Tho. Wrisley, esq.
*Petersfield.*
Sir Rich. Norton,
Sir John Hippesley.
*Newport.*
Sir Rich. Worsley, bt.
Sir Wm. Uvedale.
*Stockbridge.*
Sir Rich. Gifford,
Sir Wm. Aylolfe, bart.
*Newtown.*
Sir Wm. Harrington,
Sir Tho. Barrington.
*Christchurch.*
Sir Geo. Hastings,
Nathanl. Tomkins, esq.
*Whitchurch.*
Sir Tho. Jarvoyes,
Sir Rob. Oxenbridge.
*Lymington.*
Sir Wm. Doddington,
Henry Crompton, esq.
*Andover.*
John Shuter, esq.
Henry Wallis, esq.

SUFFOLK.
Sir Rob. Crane,
Tho. Clenche, esq.
*Ipswich.*
Rob. Snelling, gent.
Wm. Cage, gent.
*Dunwich.*
Clement Cooke, gent.
Thomas Beddingfeild, jun. gent.
*Orford.*
Sir Lionell Talmage, bt.
Sir Roger Townsend.
*Aldborough.*
Sir Henry Glenham,
Cha. Glemham, esq.
*Sudbury.*
Edw. Osburne, esq.
Brampton Gurdon, esq.
*Bury St. Edmund's.*
Sir Tho. Jermin,
John Woodford, esq.
*Eye.*
Sir Roger North,
Sir John Crompton.

SOMERSETSHIRE.
Maurice Barkley, esq.
Robert Hopton, esq.
*Bristol.*
John Whitson, ald. ib.
John Guy, ald. ib.
*Bath.*
Sir Rob. Phillips,
Sir Rob. Pye.
*Wells.*
Sir Edw. Rodney,
Tho. Southwark, esq.
*Taunton.*
Tho. Brereton, esq.
Lewis Pope, gent.
*Bridgewater.*
Edw. Popham, esq.
Roger Warre, esq.
*Minehead.*
Sir Robt. Lloyd,
Fras. Perce, gent.

SUSSEX.
Sir Edw. Sackville,
Christoph. Nevill, esq.
*Chichester.*
Sir Edw. Cecil,
Tho. Whatman, esq.
*Horsham.*
Tho. Cornwallis, esq.
John Middleton, esq.
*Midhurst.*
Rich. Lewkner, esq.
John Smithe, esq.
*Lewes.*
Sir Geo. Goring,
Rich. Amhurst, esq.
*Shoreham.*
Sir John Morley,
Sir John Leedes. After him,
Inigo Jones, esq.
*Bramber.*
Tho. Bowyer, esq.
Rob. Morley, esq.
*Steyning.*
Sir Tho. Sherley,
Sir Edw. Francis.
*East Grinstead.*
Sir Henry Compton,
Tho. Pelham, esq.
*Arundel.*
Sir Lionel Cranfield. After his being made a peer,
Sir Rd. Weston, chanr. of the exchequ.
Sir Henry Spillar.

WESTMORELAND.
Henry lord Clifford,
Sir Tho. Wharton.
*Appleby.*
Sir Arthur Ingram,
Tho. Hughes, esq.

WILTSHIRE.
Sir Fras. Seymour,
Sir Edw. Baynton.
*New Sarum.*
Roger Gauntlet, ald. ib.
Lau. Horne, ald. ib.
*Wilton.*
Sir Tho. Tracy. After his death,
Sir Henry Nevill,
Tho. Morgan, esq.
*Downton.*
Sir Carey Rawley,
Sir Tho. Hinton.
*Hindon.*
Sir Henry Mervin,
John Angell, esq.
*Heytesbury.*
Sir Tho. Thinne,
Sir Henry Ludlow.
*Westbury.*
Walter Long, esq.
Sir Miles Fleetwood.
*Calne.*
John Ducket, esq.
John Pymme, esq.
*Devizes.*
Sir Henry Ley,
John Kent, gent.
*Chippenham.*
Ed. Hungerforde, esq.
John Bayly, esq.
*Malmsbury.*
Sir Henry Poole,
Sir Edw. Warder.
*Cricklade.*
Sir Tho. Howard,
Sir Carewe Reynell.
*Great Bedwin.*
Sir Fras. Popham,
Tho. Carey, esq.
*Ludgershall.*
Alex. Chocke, esq.
Wm. Sarwell, esq.
*Old Sarum.*
Geo. Minne, esq.
Tho. Bret, esq.
*Wotton Basset.*
Rich. Harrison, esq.
John Wrenham, esq.
*Marlborough.*
Sir Walter Devreux,
Rich. Diggs, esq.

WORCESTERSHIRE.
Sir Tho. Littleton, bart.
Sir Samuel Sandes.
*Worcester.*
Sir John Cowcher,
Robert Berkley, esq.
*Evesham.*
Sir Tho. Biggs, bart.
Anth. Langston, gent.
*Bewdley.*
Sir Thomas Edmunds, treasurer of the household.
*Droitwich.*
Ralph Clare, esq.
John Wylde, esq.

WARWICKSHIRE.
Sir Fras. Leighe,
Sir Tho. Lucy.

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*Coventry.*
S. Hopkins, ald. ib.
Hen. Seewell, ald. ib.
*Warwick.*
Sir Greville Verney,
John Cooke, esq.
BARONS
OF THE CINQUE PORTS.
*Hastings.*
Samuel Moore, esq.
James Lasher, esq.
*Winchelsea.*
Sir Tho. Finche, bart.
Edw. Nicholas, esq.
*Rye.*
Emanuel Gifford, esq.
John Angell, esq.
*Romney.*
Sir Peter Manwood,
Francis Fetherstonhaugh, esq.
*Hythe.*
Sir Peter Heyman,
Rich. Zouche, LL. D.
*Dover.*
Sir Hen. Maynwaring,
Sir Richard Young.
*Sandwich.*
Sir Edwin Sandys,
John Burroughes, gent.
PRINCIPALITY OF
WALES.
ANGLESEY.
Rich. Williams, esq.
*Beaumaris.*
Sampson Evans, esq.
BRECON.
Sir Henry Williams.
*Brecknock.*
Sir Walter Pye.
CARDIGAN.
Sir Richard Pryse.
*Cardigan.*
Walter Overbury, esq.
CARMARTHEN.
Sir John Vaughan.
*Carmarthen.*
Henry Vaughan esq.
CARNARVON.
John Griffith, jun. esq.
*Carnarvon.*
Nicholas Griffith, gent.
DENBIGH.
Sir John Trevor, jun.
*Denbigh.*
Hugh Middleton, esq.
FLINT.
Sir Roger Mostyn.
*Flint.*
Wm. Ravenscroft, esq.
GLAMORGAN.
Wm. Price, esq.
*Cardiff.*
Wm. Herbert, esq.
MERIONETH.
Wm. Salisbury, esq.
PEMBROKE.
James Wogan, esq.
*Pembroke.*
Lewis Powell, gent.
*Haverfordwest.*
Sir James Parrett.
MONTGOMERY.
Sir Wm. Herbert.
*Montgomery.*
Edw. Herbert, esq.
RADNOR.
James Price, esq.
*Radnor.*
Charles Price, gent.

*The King's Speech on opening the Session.*] On the meeting of the parl. Jan. 30th, the King being seated on his throne, was pleased to make the following Speech to both Houses. The substance of it, in Latin, is given in the Lords Journals. Wilson and Rushworth have inserted one at large; but, upon comparing their's with the foregoing speeches of this king, so great a difference appears both in stile and manner, as render them justly suspected. The following is the genuine Speech, taking from Franklyn's Annals, who tells us, "that he had it from mr. Munday, an ear-witness thereof;" and, upon examination, we find it corresponds exactly with the Latin Abstract in the Journals:—

"My lords spiritual and temporal, and you the commons. 'In multiloquio non deest peccatum,' said the wisest king that ever was; and this experience I have found in my own person; for it is true, that there have been sessions of parl. before this time, wherein I have made many discourses to the gentlemen of the Lower House, and in them delivered a true endeavour of my heart: but as no man's occasions, be they never so good, can be free from censure, in regard of the excellency required to make perfection; so it may be, it pleased God, seeing some vanity in me, to send back my words as wind spit into my own face. So, as I may truly say, 'I have often piped unto you, but you have not danced; I have often mourned, but you have not lamented:' but now I have put on this resolution for the few days that are left me in this world, wherein I know not how far I have offended God; and if it may please you, especially of the Lower House, to apply this rule unto yourselves, you may find the more fruit.—Now to the errand of your being called hither; for entring whereunto the more easily, I will begin with the general Condition of a Parliament, not to instruct you, whom I suppose not to be ignorant, but to refresh your memories; and first what a parl. is. It is an assembly composed of a head and a body: the monarch is the head, and the body is the 3 estates; which are called in all monarchies a parl. which was used and created at the first by monarchy; for king's were before parliaments; who, as soon as they had settled a form of govt. and were willing that their people should be guided by laws, called a parl.: I know there are divers sorts of foreign parliaments, some more, some less in number: but I leave them; only this I would have you to observe, That it is a vain thing for a parliamentman to press to be popular; for there is no state or parliament without monarchy; so the Grizons, Swisses, and Low Countries, which are governed without a king, have no parliaments, but councils and assemblies. This I put you in mind of, that you serve under a monarch, and that you must stand or fall with it.—Now consider, 1st, Who calls you? your king.—2ndly, Whom he calls? the Peers, who in respect of the eminency of their places and high honours, have an interest therein by birth and inheritance, because they are to assist the king in his greatest affairs. In the next place is the Church, the Clergy; yet not all of them, but the principal heads thereof, the bishops, whose holiness of life doth claim a privelege in advice, and in respect of their baronies: also the Knights stand for the Shires, and the other, gentlemen for the Burroughs; of these is the whole body composed: 3rdly, why you are called; viz. To advise the king in his urgent affairs, to give him your best advice in such errands as he shall ask of you, or you shall think fit to ask his advice in. The king makes laws, and ye are to advise him to make such as may be best for the good of the commonwealth. There is another cause also, viz. The House of Commons is called, for that they best know the particular estate of the country; and if the king shall ask their advice, can best tell what is amiss, as being most sensible of it, and also petition him to amend and redress. You are the authors of sustenance also to him, to supply his necessities; and this is the proper use of parliaments. Here they are to offer what they think fit to supply his wants; and he is in lieu hereof to afford them mercy and justice; and this is that I boldly say, and am not

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ashamed to speak it, that all people owe a kind of tribute to their king, as a thankfulness to him for his love to them; and where there is this sympathy between the king and his people, it breeds a happy parl.—Thus much the general Condition and special Use of Parliaments in this kingdom. Now I come to the particular Causes which moved me to call this parl. First, as in all parliaments, the king must have a special care to make good laws; for 'ex malis moribus bonæ leges oriuntur:' for the elder the world grows, men become the more wise, the more crafty, and the more sinful; and therefore the more need to make new laws for new crimes. And here I am in a large subject, yet because of my intended brevity, I will speak of no particulars, but hold it best to leave it to the times wherein you should both see and read them.—First, for Religion there are laws enough, so as the true intent and execution follow; the Maintenance of Religion stands in two points: 1. Persuasion, which must precede; 2. Compulsion, which must follow; for as all the world cannot create a new creature, be it never so little, so no law of man can make a good Christian in heart, without inward grace; but the minister must persuade, and leave the success to God; and if there were not so many priests and Jesuits, there would not be so many perverted to ill; yet it is not enough to trust to a good cause and let it go alone; likewise the busy Puritans, do but see how busy they are in persuading the people. But God forbid, that I should compel mens' consciences, but leave them to the law of the kingdom; for the rumour that is spread, that I should tolerate Religion in respect of this match, which hath been long intreated with Spain for my son, I profess I will do nothing therein which shall not be honourable, and for the good of Religion: the trial which you have had of my Works and Writings, wherein I have been a martyr, tortured in the mouths of many idle fellows, may give you ample testimony of my integrity, in such a sort, as I hope you trust the wisdom of your king so far as that I will never do one thing in private, and another in public: but if, after this my Declaration, any shall transgress, blame not me if I see them severely punished.—Now the main errand, to speak truth, which I have called you for, is for a Supply of my urgent necessities; ye can all bear me witness I have reigned 18 years among you; if it be a fault in me, that you have been at peace all this while, I pray you pardon it; for I take it for an honour to me that ye should live quietly under your vines and fig-trees, eating the fruit of your own labours, and myself to be a just and merciful king to you; ye have not been troubled with pressing of men, and with a thousand inconveniences which the disaster of war produceth; and yet within these 18 years I have had less Supplies than many kings before. The last queen (of famous memory) was so far supplied in her time, as it grew to an annual contribution; which by computation came to 135,000l. a year at the least. I had never above 4 Subsidies, and six 15ths; I challenge no more desert than she; but sure I am, I have governed you as peaceably the time since my Supply hath been, as if women with child, 'quæ decem tulerunt fastidia mensis,' who after ten months longing are delivered of their burden; but I have travailed ten years, and therefore now full time to be delivered of my wants. I was ever willing to spare you till now. It is true, 2 arguments were used in other parliaments against Supplies: first, that many Subsidies had been given by them, and therefore they required a time of respiration; which objection is now taken away: the other was, that my treasure was confusedly governed by me; so as some did not stick to say, that they would give me all they had, were they sure it would come into my purse: now you have seen trial of my late care in 2 years last past, in looking into the particulars of my estate, wherein I must confess that I have found my Revenue, as Job's friends, forsaking me. In my Household Expence I have abated 10,000l. per ann.; in the Navy 25,000l. per ann.; and shortly hope to abate 10,000l. more in mine Ordnance; I have brought mine Expences from 34,000l. to 14,000l. and yet was loth at first to think that things were so much out of order; but at the last, by means of the information of some private honest gentlemen, I was induced to enter into a particular survey; and herein such was the love of my young admiral to me, as he took the only envy of all upon himself for my sake; and though he but young, yet I find him true in faith, and an honest man, who hath had the better success in all the rest; he took under himself divers commissioners, as a young commander should do, the better to preserve him from errors, and then sought no reward, but my good service; yet went nevertheless through all with a great diligence and happy success; and therefore I hope the kingdom shall say I have a true care of my estate, not taking from others, by violence, house or land, but governing my own with good husbandry: and now I look your Supply will not fall into a bottomless purse.—The next cause of your calling is for an urgent necessity, the miserable and torn estate of Christendom; which none that hath an honest heart, can look on without a weeping eye. I was not the cause of the beginning thereof, (God knows) but I pray God I may be a happy instrument of a happy ending the wars in Bohemia; I mean, wherein the states expelled the emperor, and chose my son-in-law their king: I was requested at first by both sides to make an agreement between them; which cost me 3000l. in sending Doncaster on an embassy for that purpose. In the mean time they cast off all allegiance, and chose my son, who sent to me to know whether he should take the crown upon him or not; and yet within 3 days after, before I could return my answer, took the crown on his head; and then I was loth to meddle in it at all, for 3 reasons.—First, I would not make Religion

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the cause of deposing kings. I leave that cause to the Jesuits, to make Religion a cause to take away crowns. Next, I was not a fit judge between them; for they might after say to me, as he said to Moses, 'who made thee a judge over us?' And myself would not be content that they should judge whether I were a king or not.—Lastly, because I had been a meddler between them, and then to determine my son might take the crown upon him, had been unproper; and yet I left not off, so far as nature compelled me, to admit his good. I permitted a Voluntary Contribution to preserve the Palatinate, which came to a great sum; for that purpose I borrowed also 75,000l. of my brother of Denmark, and now have sent to him to make it up 100,000l. and all this have I done with the Charge of Ambassadors, and otherwise; which have risen to an infinite sum, which I have born myself, and hath cost me above 200,000l. in preserving the Palatinate from invading, finding no hope of the rest, besides 300,000l. and besides the Voluntary Contribution: and I am now to take care for a worse danger against next summer, albeit I will leave no travel untried to obtain a happy peace; but I thought good to be armed against the worse time, it being best to intreat of peace with a sword in my hand. Now I shall labour to preserve the rest; wherein I declare, that if by fair means I cannot get it, my crown, and honour and all shall be spent with my son's blood also, but I will get it for him: and this is the cause, for all the causes of Religion are involved in it; for they will alter Religion where they conquer, and so perhaps my grand-child may suffer, who hath committed no fault at all. There is nothing done without a speedy Supply, and 'bis dat qui cito dat;' wherefore I hope you will no more fail me now, than you have done my predecessors. In this I must trust your cares; and I think if a man could see all your hearts in one face, it would testify a general acclamation of this my motion. Consider who it is that moves you, your king; and his care of Reformation, and the Charges which he hath discharged, besides 40,000l. of late in the pyratical war; and consider if I deserve not your respects. For your parts, you may be informed of something fit to be required of me for matter of justice; I never directly nor otherwise desired the contrary; for which purpose I have chosen judges of the best learning and integrity that I could; and if they prove unjust, I will not spare them. It's strange that my Mint hath not gone this 8 or 9 years; but I think the fault of the want of money is the uneven balancing of trade; for other things (I confess) I have been liberal; but the main cause of my wants hath been the ill govt. of those whom I have trusted under me: for Bounty, I will not make every day a Christmas; and yet it may be I have hurt myself in some, and in others my subjects; but if I be truly informed, I will rightly reform; but for you to hunt after Grievances to the prejudice of your king and yourselves, is not the errand: deal with me as I deserve at your hands; I will leave nothing undone that becomes a just king, if you deal with me accordingly. I know this parl. hath been of great expectation; and so was that at my first coming, when I knew not the state of this land. I was then led by the old counsellors I found which the old queen had left, and it may be there was a misleading, and a misunderstanding between us, which bred an abruption. And at the last parl. there came up a strange kind of beasts, called Undertakers, a name which in my nature I abhor; which caused a dissolution; now you have the advantage, that I call you out of my free motion, and my trust is in your good offices for my good estate; even in all and every one of you I hope I want not good subjects; and I assure you, ye shall find an honest king of me: how happy a fame will it be that he is reverenced and loved by his people, and reciprocally loves them? Now shall I be honoured by my neighbour princes, and my govt. peradventure made an example for posterity to follow. And so I leave you."

*The Lord Chancellor's Speech.*] The king's speech being ended, the *Lord Chancellor*, sir Francis Bacon, viscount St. Alban, made a brief exhortation to the house, to this effect:—"May it please your maj.; I am struck with admiration in respect of your profound discourses, with reverence to your royal precepts, and contentment in a number of gracious passages, which have fallen from your maj. in your speech. It is a saying of Solomon, somewhat dark, but apt, 'That the words of the wise are like nails and pins fastened by the master of the building in the midst of assemblies;' so, in regard of the reverence of your maj.'s words, they are like nails that strike through and through; first into the memory, then into the hearts of the hearers, which is the best way to imprint them into their minds. For myself, I hold it as great commendations in a chancellor to be silent, when such a king is by, who can so well deliver the oracles of of his mind, as for me to speak. Only, sir, give me leave to give my advice to the upper and lower house briefly in two words: 'nosce teipsum.' I would have the parl. know itself; 1st, in a modest carriage to so gracious a sovereign; 2ndly, in valuing themselves thus far, as to know, now it is in them by their careful dealing to procure an infinite good to themselves in substance, and reputation at home and abroad. As there is great expectation in the beginning of this parl. so I pray God, it may be as good in the conclusion; that it may be generative, begetting others hereafter. Now I am to put you in mind of your laudable custom, to elect one to be your common mouth or Speaker; for which purpose you are presently to assemble yourselves in the house of Commons; but the king, for the presenting of such to his maj. giveth you till Saturday next, the 3rd of Feb."

The lord chancellor having concluded, the

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Commons retired to their house, and there chose Tho. Richardson, esq. serjeant at law, for their Speaker, who was presented to the king on the day appointed, and, with the usual ceremonies, approved of. In order to give the proceedings of this parl. with the utmost impartiality, we shall keep strictly to the authority of the Journals, except where Rushworth, or any other historian, intervenes with some circumstances not taken notice of in the former work.

Feb. 5th. The Lord Chancellor moved, "That such as have any proxy from any Lord, licenced by his maj. to be absent, should deliver the same to the clerk of that house; and that every lord should cause the writ of summons, to him directed, to be given to the same clerk; to the end that by these proxies and summons, so entered, it may better appear who was absent." After this, the Lord North stood up and acquainted the house, "That having read and considered of the summons, directed to himself, he found the same to vary from the former and ancient form of writs of that nature. The consideration of which was by their lordships referred to the committees, which shall be nominated and appointed to consider of the orders and customs of this house, the privileges of the Peers of the kingdom, and lords of parl." A committee was immediately named for that purpose, who had power to call to attend them the lord chief justice, some other judges, the attorney general, and such other of his maj.'s council as they thought fit, to meet in the Painted Chamber, after the rising of the house.

*Complaint against Rd. Camell.*] Feb. 8th. One Rd. Camell, a clerk in the Petty-Bag-Office, was brought to the bar of the Lords, to answer a Complaint made against him, for omitting in the body of the writs, directed to several Lords, these words, 'prædilecto et fideli nostro,' and had only given the names of such Lords to whom the said writs were directed. And though the said Camell did then and there, on his knees at the bar, humbly acknowledge his fault, and declared himself very penitent for the same; yet, as he was not able to excuse or make any defence for his neglect, and because it was held justly offensive to those Lords whom it particularly concerned, and to be much against the honour and dignity of the house; by unanimous consent, the said Camell was committed prisoner to the Fleet. On the 10th, an Order was made for his enlargement, on his humble Petition to the house.

*A Conference for putting the Laws in Execution against Jesuits, &c.*] Feb. 14. Sir Edw. Coke, accompanied with the lord Cavendish, sir Fulk Grevil, chanc. of the exchcq. the Treasurer of the Household, mr. sec. Calvert, and several others of that house, delivered the following Message to the Lords:—"That the Commons do pray a Conference, concerning joining in Petition by committees of both houses unto his maj. for the better execution of the laws against Jesuits, seminary Priests, and Popish Recusants; and this, by the Nether House, is desired to be with all convenient expedition." After the messengers were withdrawn, the Lords took the Message into consideration; the desire of the Commons was generally approved on, and a committee for the conference was appointed.

Feb. 15. The lord chancellor declared that his maj. having been moved to know his pleasure when the Committees of both Houses shall wait on him, with their Petition, relating to Jesuits, &c. had appointed Saturday the 17th inst, for that purpose. The lord chancellor was desired to be the common mouth, in delivering the Petition from both houses to the king; but some debates arising, about the form of the Petition, the consideration thereof was referred till next morning.

Feb. 16. It was moved, that since the Commons desired his maj. to declare himself for the execution of the laws against Jesuits, Seminary Priests, and Popish Recusants, by Proclamation, whether to the word Proclamation, 'or otherwise' should not be added? Upon a division of the house, it was carried for the additional words; but with Proviso, That if the Commons did not approve of them, they should be left out in the Petition. The Committee of Lords having acquainted that of the Commons with this resolution, the Commons insisted upon it, that nothing formerly agreed to should receive any alteration in matter or form.

*Quarrel between the E. of Berkshire and Ld. Scroop.*] This day the lord chancellor acquainted the house, that this morning a quarrel or jar happening between two noble members of that house, the earl of Berkshire and the lord Scroop, namely, that the former did push or thrust the other forcibly in the house, against the honour and dignity of it. Hereupon both the said lords were called to the bar to answer the misdemeanor aforesaid; and it appearing by proof, that the said earl was the aggressor, and did violently push the lord Scroop, they were both ordered to withdraw into separate rooms, till the house could take consideration of this matter. Soon after the earl of Berkshire being called again to the bar of the house, and being on his knees, the lord chanc. told him, that the house had considered of his fault, which they found to be very great; in that his lordship being a peer, who therefore should be tender of the privileges of the house, had, in the house, and in the presence of the Prince his highness, offered force to a member of the same. The censure therefore was, that his lordship be committed close prisoner to the Fleet, until the house should take further order in that cause. The gentleman-usher was ordered to attend the said earl to his own house, at his request, but disarmed, and from thence to the Fleet.—Afterwards the lord Scroop was called for, and brought into the house, and ordered to his place; to whom, standing uncovered, the lord

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chanc. declared, That the Lords had considered of the nature of the fault wherewith he stood charged, and found him not worthy of blame, for any fault of commission, but only of omission, in not complaining to the house. That otherwise he had carried himself temperately, and therefore it was the pleasure of the house he should keep his place.—On the following day, the lord Scroop moved the house for the enlargement of the earl of Berkshire, upon which it was ordered, that the said earl should immediately have the liberty of the prison, but to continue there till the house shall take further order therein.

Feb. 19. The lord chancellor made a report to the Lords of what had passed at the access of both houses unto his maj. on Saturday last. His lordship's relation was brief, as he said, as well because most of all their lordships were then present; but principally for that his lordship knew, and willingly acknowledged, he was no way able, in any degree, to deliver it in such sort as his maj. spake it.

*The Earl of Berkshire's Submission.*] The lord Berkshire's Submission having been delivered in writing, it was openly read in hæc verba: "My lords, I am wonderful sorry to have so overshot myself, as to have done any thing that distasted justly the house; especially, at such a time as his highness was therein; which I desire your lordships to conceive to have proceeded out of sudden passion, in respect of a conceit and apprehension of some distaste given me. But still I submit myself to your lordships grave and wise censure, humbly requesting your lordships to accept of this, as satisfaction, from him that will ever be, your lordships humble servant, F. Berkshire."—The lord Berkshire was then called, and being directed to stand up, from his knees, the Lord Chancellor spoke to this effect: "My lord of Berkshire, when you were last here you heard of your fault and punishment, now you shall of your releasement: the lords having understood and nobly considered of your Submission; and the party, especially grieved, being a suitor for your discharge, whereunto all their lordships have yielded; with this, that a public reconcilement and satisfaction be made between you." The lord Berkshire then went to the Prince at the upper end of the house, and, on his knees, said somewhat in a low voice to him; it was not heard by the rest of the lords, but thought to be an acknowledgment and submission for his offence committed in his highness's presence. Afterwards the lord Scroop went from his place to the Prince, and there, in presence of his highness and many of the lords standing by, the aforesaid two lords were reconciled. The lord chanc. being returned to his place, openly rehearsed this matter to the house; and added, that if either of the said lords, so reconciled, should at any time hereafter, do, or offer to the other, any wrong, contrary to this reconcilement, the party so offending would be deemed guilty of an high offence to the prince and contempt of the house.

Feb. 20. A Message was sent from the Lords to the Commons, desiring a Conference, in which the substance of his maj.'s Answer to the late Petition of both houses, might be delivered to them, by the lord chanc. who by common consent had been appointed the prolocutor of both Lords and Commons, on that occasion. The time, if it was convenient to them, forthwith in the Painted Chamber. This was agreed to by the Commons; and on the return of the lords committee, the lord chanc. acquainted the whole house, That he had communicated the substance of his maj.'s Answer to the committee of the other house, from such notes as he had taken of it, when it was given. That, thereupon, sir Edw. Coke, one of their committee, had desired him to let them have the Memorial in writing which he had taken; since they of the other house had delivered in their suit, or Petition, in the same manner. To this he answered, That forasmuch as the paper, on which he took the said Memorial was small, and unfit for public perusal, he desired he might have time, till to-morrow, to perfect his said notes."—The question being then put, Whether they should be delivered in the manner the chancellor mentioned? It passed in the affirmative. The lord Hunsden moved, that the original should remain with the clerk of this house, but was not seconded. Nothing material happening to come before the Lords for some days, we shall now relate what was passing in the House of Commons during this time.

*Debate in the Commons as to Recusants.*] Feb. 5. Sir James Perrot moved, "That all the members of the house might take the Communion; which was a touchstone of their faith." Sir Edw. Gyles moved for "liberty of Speech, but not to admit extravagant speeches; and that such should be punished in that house. That there were many Popish Recusants, and multitudes of Jesuits and Seminaries, ready for mischief, in and about this city. That their malice encreased with their number. Put the house in mind of the gunpowder-plot. Moved to petition the king to put the laws in execution against them." This motion was seconded by sir Jerome Horsey, who moved, "That 4 or 6 of that house might be appointed to search the vaults and cellars, under the parliament house, twice a week. Their numbers hereabouts might prove dangerous; and their malice like to be the principal cause of the ruin of the king of Bohemia. Their making bonfires and rejoicing at it. But hoped that the king yet remained the Lord's Anointed, and that he would be again established; and be the means to ruin the Pope. That they that eat their God would eat us, &c." These and many such expressions were thrown out against the Papists. And it was at last agreed for a Conference with the Lords to join with them in a Petition to the king to put the laws in force against them.

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*Debate on the Supply.*] Mr. Secretary *Calvert* put the house in mind of what this parliament was principally called for. "The ardua regni, mentioned in the writs, were to make good laws, and to supply the king's wants; which last was for to keep the state from danger and scorn. That this was more pressing and now a bleeding business; therefore, though it was not usual, yet, in respect to the necessity and rareness of the case to begin first with this. That the king expected a Supply, in these his urgent necessities, and especially to recover the patrimony of his children, that the king's wants were known to be urgent; and how could it be otherwise, considering the vast expences of the Crown, and the small means the king had received from his subjects; except the Benevolence, none in 10 years time.—The king had strove to lessen his Expences, being loth to burthen his people; household, navy, ordnance, Ireland, &c. The crown not to be suffered to lie under this burthen without help. Dangerous, not to king only, but to kingdom also; for they are relatives not to be disjoined.—Though the king, for many just causes, had hitherto been neutral for Bohemia; in respect of conscience, honour, &c. Yet, for the Palatinate, if not by treaty, he was resolved by war to regain it. But this admits of no delay, one day's neglect may overthrow it. The state of it now is, that Spinola hath conquered all but Heydelberg and 2 or 3 other places; Bohemia defeated; all the confederate princes and countries fallen off, and reduced to the Emperor's obedience. That this affair had been referred to a Council of War who have reported 30,000l. charge for the first year. The king already hath borrowed and employed in that business 100,000l. That an extraordinary embassage was ready; but the best treaty was with sword in hand.—That all Christendom was in confusion; Germany, Bohemia, the Low Countries, Sweden and Poland; the Turk had got the greatest army they ever had, since the time of Solyman; which was to be ready by the 1st of March. This circumstance, alone, is very important to us; and it is not honourable for our king to have his sword in his sheath, when so many are drawn.—For our Grievances they are many and just; no body without some sores; the king had promised a gracious hearing on that score; and he that will not take hold of it, betrayeth his country for which he is trusted. Lastly, he moved for a committee."

Sir *Wm. Cope* spoke next. "He professed his own zeal to further the king's business; but was against the question for a committee at that time. He wished this parl. had been held a year ago; but now it was sitting to look what was to be done. That the Supply, granted, must be divided; for Bohemia, the Palatinate, and for the king's other wants; but a Committee was not fit now for any of them. That he expected a committee of the whole house would sit every afternoon; to consider the state of Christendom, England, the state of wars, and the best means to carry them on. This to be done by a general committee; which will be the greatest terror to the adversary."

The *Treasurer of the Household* said, "That he beseeched the hon. house to consider, that never any well-affected subjects had greater cause to be pressed and make Supply for preventing of pressing dangers. That there was no doubt of the king's willingness for retribution. Open and free dealing with him, were the best means to work upon his royal disposition. He promised all his own good offices to further this; and concluded, that whosoever doth not so, betrayeth both king and kingdom."

Sir *John Davys.* "I expected not thi motion, this day; but I think it fit, since it is now moved. All men run together to quench a fire; which is our case. Though we are not so here; yet the Palatinate is on fire; Religion is on fire; and all other countries on fire. Though we begin this matter now, we cannot end it so; though we agree on Subsidies, yet, there must be time for drawing bills, reading and passing them; commissions, levying, paying in, &c. But this is the greatest cause, the greatest occasion for a Supply, since the Conquest. I shall mention 4 other causes. 1. For Recovery of the Holy-Land. 2. For the redemption of Rd. I. 3. For the recovery of France. 4. For saving of Ireland; but, the recovery of the Palatinate is greater than all.—For the sake of Jerusalem, there was a perpetual war, for 100 years, at least. Henry. II. gave 50,000 marks at that time. Rd. I. pawned all the jewels and demesnes of the crown. All this to obey the Pope's commands and imposture; which was to recover that blessed land the Pope had cursed, but, his end, to usurp their temporal jurisdiction. We, for the Palatinate, have a just title, they none.—For the second. Rd. I. his ransom was 150,000 marks; plate of religious houses, chalices, &c. were melted down for it. This was a noble work, and better than the French did; who left their king here, several years, unransomed. But Religion was not then in question, as it is now.—So for the wars in France; the title was just, and though recovered at last, yet there was great expence about it. No loss, if it had not been meddled with at all. But, the Palatinate otherwise; this is dangerous to the Low Countries, the United Princes, and the whole Protestant interest.—For Ireland, two millions were disbursed; and 6 Subsidies and 12 fifteenths given here. Yet, the loss of Ireland not so dangerous as the Palatinate; for the Irish would never long have endured Spanish tyranny. Therefore, I move for giving this very day; and no doubt, God will bless it." On the other hand,

Sir *George Moore* said, "That since diverse things had been proposed, every man expected and required liberty of speech. As free choice so free voice. That this was granted in the Proclamation before parl.; and since, by the king's own mouth. We live under laws made



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by ourselves; other nations are governed by the Civil Law; and, he doubted not but every man would keep himself within bounds. That Religion and the Church were the principal matters of a parl.; Grievances and Supply the next. Parliaments were antiently called to relieve Grievances, as appears by the statute of Edw. III. And many of those were increased in this long intermission. That Esau came out first, yet Jacob was the Blessing. Therefore, he moved, That the Supply and Grievances might go hand in hand together; and that a committee of the whole house might be appointed, to consider of both; but no speech now de quanto."

Sir *James Perrot*. "If we differ with our equals, to have it done in love; if, with our superiors, with respect. Supply and Grievances to be as twins; to go together and have no precedency. That there was a Proclamation to restrain speaking of Matters of State, and the king's speech confirmed it. There was, also, a restraint put on petitioning in religious matters. Moved for a Petition to the king to explain himself what he intended by Matters of State. If Recusants and the like, so Monopolies, &c. may come within the compass of the prerogative: even, for the Palatinate, what to be given, how to be employed, &c. may come within compass of Matter of State. A committee may form such a Petition, and bring it into the house to-morrow. Is against conference with the Lords; 'Frustra fit per plura, quod fieri potest per pauciora.' He truly honoured all the Lords in general; but, in the last parl. they rejected conference; if they denied them again it would be a prejudice. Moved for a committee to consider of a Petition to his majesty to the purpose above."

The *Master of the Rolls*. "I commend the last gent.'s speech, but differ from him, in sending a message to the king about that which he yielded before, as freely and fully as could be. I hope that none will abuse this liberty of speech, and, if they do, that this house would punish them for it, before notice be given of it to the king. For the necessities of the kingdom; all who have spoken have done it to one end; every one hath a special interest in it, in regard to his estate, children, &c. He speaketh both for king and kingdom. The hazard of the king's grand-children which are 5 descended from the lady Elizabeth. The relief is thought necessary by all; the question only, of the time when to treat of it. If not speedily, it will do no good; necessary delays, though begun now, must make it long before it be received. I agree that Supply and Grievances go together; and that half the house may attend one and half the other. Necessity is a law, against which there is no reasoning. Let both be reported together. The king hath more desire to redress our Grievances, than we to supply him."

Sir *Edward Coke*. "'Virtus silere in convivio, vitium in consilio.' I joy that all are bent with alacrity against the enemies of God and us; Jesuits, Seminaries, and Popish Catholics; it was a grievance complained of the 8th of this reign, that the laws against Recusants were not executed; I would have all those Grievances, 8 Jac. reviewed, of which that was one; if any new increased to take special consideration of them. I and Popham were 30 days in examination of the Powder-Plot at the Tower. The root of it was out of all the countries belonging to the Pope, and Faux repented him that he had not done it. God then, and in 1588, delivered us for religion's sake.—The privileges of the house concern the whole kingdom; which, like a circle ends where it began. But take heed, we lose not our liberties, by petitioning for liberty to treat of Grievances, &c. No proclamation can be of force against an act of parl. In Edw. IIId.'s time, a parl. was holden every year, that the people might complain of Grevances. If a proclamation comes against this; the law is to be obeyed and not the proclamation. The 4th Hen. VIII. Strowde moved against the Stannary court; but was fined after the parl. and imprisoned by the steward of the Stannary. Thereupon, a law ensued, for freedom of speech in the house; but it ought to be done in due and orderly manner. My motion is, that the Grievances may be set down; those that are nought in radice, or tractu temporis, first. The king's ordinary Charge and Expences much about one; the extraordinary ever born by the subject; therefore the king can be no beggar. And, if all the corn be brought to the right mill, I will venture my whole estate, that the king's will defray his ordinary charges. Lastly, he moved for a committee of the whole house for Grievances; and said the remedying them would encourage the house, and enable them to increase the Supply."—After this the question was put, Whether a Petition to the king for Freedom of Speech, against Recusants, the business of the Supply, and for Grievances, should be referred to a committee of the whole house? And it was resolved to go upon them that afternoon.

*Debate on the Scarcity of Coin.*] Feb. 6. Mr. *Glanvile* saith, that there is a general complaint throughout the kingdom of the great Scarcity of Money; which is a business worthy the consideration of this house; and thinketh it best to consider, 1. Whether there be such want of money or not? 2. What are the causes of it. For the 1st, he believeth that there is a want and scarcity of Coin, because of the general complaint of all men; for that landlords can get no rent of their farmers; for that the price of land is fallen from 20 years purchase to 18, 16, 14; and, in some places, to 13 and 12 years purchase; and for that the mint for coinage hath not gone these 10 or 12 years. 2. That the reasons and causes of the want of money are divers; more than, he doubteth, can be found out, or will be revealed. Some say, there is too much coin carried northward; that our expences and cost on fo-

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reign commodities and merchandise is another cause; and the excess of plate, in so much that gentlemen of ordinary fashion will be served in plate; and, although this may be thought a means to treasure up silver and gold against a time of scarcity and need, yet is there great want of it by using it. The patent of the East India Company is another cause of the want of money; for though they affirm they carry away no plate or coin out of this kingdom, but that they have it elsewhere, yet they sell our commodities beyond sea, and from thence carry the money they receive from it into the East Indies, and so they forestal the coming of the money hither.

Sir *Wm. Spencer*, son and heir of the lord Spencer, saith, that there is also a patent prohibiting any Gold or Silver Lace or Thread to be brought from beyond sea hither; a third part whereof (as those that are skilful in those trades say) would make good bullion; so as, there being (as the Patentees themselves cannot deny) made and used of Gold and Silver Thread and Lace in a year to the value of 60,000l. this patent by this means hindereth the importation of so much as would amount unto 20,000l. per ann. and then there is employed to make this 60,000l. worth of Gold and Silver Thread and Lace 20,000l. more per ann.: so as in all this patent is 40,000l. per ann. loss to the kingdom.

Sir *Edw. Sackville* saith, that in all businesses of this nature and weight, there is commonly a Petition, and other notes and collections delivered to his maj. pretending a good and benefit, that by this suit will accrue both to his maj. and to the commonwealth; the consideration of which petitions, and other collections concerning such businesses, his maj. ever referreth to some certain referrees; who examine it, and certify his maj. the validity of it. He therefore desireth, that those who were referrees in this business, and have certified his maj. of the conveniency of it, and have thereby so much abused both his maj. and the commonwealth, may be known, and that their reasons may be examined, to the end that they may receive the blame and shame of it.

Sir *Giles Mompesson* desireth, that the refiners may be called before the committee to declare, what they think to be the cause of the Scarcity of Coin: and that the merchants adventurers, and others who traffic in those parts, whence we have used to receive coin, may also be examined, what is the reason of such want of coin.

Sir *Wm. Stroude* moveth, that none of those that are interested in the Patents aforenamed, may be of the committee appointed for considering of this business.—After which it was resolved, That all those motions be referred to the former of Grievances.

*Sir John Leedes put out of the House for not taking the Oath.*] Feb. 10. Sir John Leedes having sat in the house not having taken either of the oaths, as others of the house had, and was bound to do by the statute, when as he saw every man thus particularly as before make protestation, that he had taken both the oaths, &c. went out of the house to the lord steward's deputies (who were purposely gone forth to minister the oaths to such as had not taken them lawfully, fully, &c.) desiring to have the oaths ministered unto him; but they, first asking him, whether he had sat in the house or no this parl. whereto he answered he had; and then they demanding, whether he had taken the oath in part or none at all, he said none at all, they forbore to give him the oath, till they had first acquainted the house with it; which they did.

Mr. *Crewe*. That sir John Leedes cannot serve in parl.; for then the house should dispense with an act of parl. which saith, he who sitteth in the house unsworn shall be accounted as a man not elected or returned. If this had been presumption, he should have been sent to the Tower: if corruption, that he would refuse those oaths, then a heavier punishment according to the law. But it was not the latter, because he, being or having been the king's servant, hath taken the oath heretofore.

Sir *John Strangeways* said, it could not be ignorance in him, for that he served in this house the last convention; and this parl. there hath been so much speech of it, that he could not but know the danger of it.—Upon this sir John Leedes was called to the bar, where he kneeled; and then, being bid stand up, he confessed he had sat in the house a quarter of an hour on Wednesday morning last, being unsworn. He was therefore disabled to serve in the house for this parl. and a new writ was sent forth by course, not order, to make election of another burgess in his place; and he was discharged without farther punishment, paying the serjeant's fees, his punishment being remitted, because the omission was only imputed to negligence.

*Mr. Sheppard expelled for his Speech concerning the Sabbath.*] Feb. 15. Mr. *Sheppard*, on the 2nd reading of 'an Act for the keeping of the Sabbath, otherwise called Sunday,' said, "That this bill was idle and indiscreet, first, for the title of it. Every one knoweth, that Dies Sabbati is Latin for the Sabbath-day, and Dies Sabbati is Saturday, as it is taken in all writs, returns, and amongst lawyers. So as it is no otherwise than if it should be titled, 'an Act for the observing of Saturday, otherwise called Sunday.' So much for the title. The body is no better than the head. This is first an act made in the spite of the face and teeth of the King's Book, which allows of dancing on the Sundays; and king David says, 'Let us praise God in a dance.' This is a point of divinity, let us leave it to divines; and, since king David and king James bid us dance, let not us make a statute against dancing. He that preferred this bill was a perturber of the peace, and a Puritan." Here he was staid by command.

Sir *Tho. Wentworth* said, "That this bill was put in by a worthy member, and that the

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manner in which it was now so traduced was not fit to be supported."

Sir *Geo. Moore* said, "That in every parl. sithence he served, there had been bills for observing the Sabbath. To inveigh in such a bitter manner against this bill, when in 27th Eliz. a more strict passed, was not sufferable. He for his intemperances ought, as others before, to be brought to the bar. To be first sequestered, and then called to the bar to answer it."

Sir *Wm. Cope.* Sheppard took occasion, from Puritans who keep the Sabbath, to rail against this bill that is for observing the Sabbath.

Sir *Edw. Coke.* Whatsoever hindereth the observation of the sanctification of the Sabbath is against the scripture.

Mr. *Crewe.* Before a man's words be out of his mouth they are his own; but, when they are out, they are presently other men's.

Mr. *Sheppard* answered, "That he knew not, nor had means to know, who preferred the bill."—He was then commanded by the house to withdraw himself out of the house, which he did accordingly.

Sir *Hen. Anderson.* Sheppard's actions were violent. He said, there was a kind of cattle crept up of late, and wished they might not be perturbers of the peace; that Sheppard did wrong to all the house, and him particularly, who preferred the bill.

Sir *Tho. Hobby.* Sheppard said, that, if a Puritan be presented to the Ordinary for nonconformity, presently a justice of the peace would be ready to fly in the ordinary's face.—On the following day,

Mr. *Pymme* said, "He observed 4 offences that were committed by Sheppard in his Speech. 1. Against him who preferred the bill. 2. Against the justices of peace. 3. His profaneness. 4. Against the laws made by this house, and against the house's indiscretion. 1. For the first, he said, he that preferred the bill was a perturber of the peace. 2. That justices of the peace were maintainers of puritans, for, if any man complained to the Ordinary against a puritan, you should have a justice of peace ready to fly into the face of him that so complained of them. 3. That king David said, 'Let us praise God in a dance;' thereby comparing the dancing about maypoles, which was forbidden by the statute, to the dancing before the ark; saying, shall we inhibit dancing, which king David allowed of and commanded? 4. That by this bill was no other, than to make a law in spite and in the face and teeth of the King's Book; thereby setting dissention between the king and this house, which could not but proceed from some ill ground, and hath an ill object: and farther exclaimed against the laws of this house, saying, we made gins, engines, and barricadoes against papists, and not so much as a mouse-trap against a puritan.—For the punishments there were 4 points. 1. To pronounce him an unworthy member of this house. 2. To imprison him. 3. To fine him 100l. 4. To except him out of the pardon.

Mr. *Price.* If any man has erred in judgment, not of affection, let us not want charity.

Sir *Edw. Coke.* That it is in religion as in other things, if a man go too much on the right hand, he goes to superstition, if too much on the left, to profaneness and atheism. And, take away reverence, you shall never have obedience: 'maxima charitas, facere justitiam.' He wisheth to have such birds crushed in the shell; for, if it be permitted to speak against such as prefer bills, we should have none preferred.

Sir *Jeremy Horsey.* That in 35 Eliz. there was preferred a bill into this house, that such as came not to church on the Sundays should pay, for every Sunday he was absent, 12d.—Mr. Sheppard was then called in to the bar, and there on his knees he heard his sentence, viz. "That the house doth remove him from the service of this house, as being unworthy to be a member thereof."

*Debate on the Patent for Inns, &c.*] Feb. 19. In the Committee of Grievances, Mr. *Noye* said; let us enquire, whence grow these Grievances; for the king hath let us know that he is not acquainted with it. Monopolies and power of dispensation of penal laws are chief grounds of all the Grievances, and this ariseth and proceedeth 'per importunitatem impetrantis;' and therefore let us examine, who these are, for the king by his Book hath published his distate of these importunate suitors: and therefore it is good that we teach them more manners. Before any patent is passed, there is first a Petition to his maj. shewing what good will accrue to the commonwealth by granting of the same, and what increase of benefit to the king; and what abuses (for want of such a remedy as they propound) do abound: whereon the king ever referreth the Petition to some whom his maj. thinketh fittest to consider of the petition, both for matter of law, conveniency, and good of the state and commonwealth; and thereupon the referrees are to certify his maj. the truth of what they think of the petition; and, as they certify for the lawfulness and conveniency and good both of his maj. and his estate, and the particular good of the commonweal, his maj. accordingly granteth it. Wherefore it is most fit, the referrees should be examined. There are some patents that in themselves are good and lawful, but abused by the patentees in the execution of them, who perform not the trust reposed in them from his maj.; and of such a kind is the Patent for Inns, but those that have the execution abuse it by setting up Inns in forests and bye villages, only to harbour rogues and thieves; and such as the justices of peace of the shire, who best know where Inns are fittest to be, and who best deserve to have licenses for them, have suppressed from keeping of alehouses; for none is now refused, that will make a good composition. There are also some, who have gotten a power to dispense with the

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statute of Vagabonds, Rogues, &c. and so make themselves dispensers of the royalties only proper for the king himself.—The like patent is granted for toll, leets, warrens, markets, &c. and set up bills of it on posts, like new physicians that are new come to town, making merchandises of it. Seeing all those new projectors do all things against the king's intention, which is nothing less than to grieve his subjects, it were good to send for them and examine them; and, if they have done well, to encourage them, if ill, to punish them.

Sir *Edw. Coke.* There is prerogative indisputable, and prerogative disputable. Prerogative indisputable, is that the king hath to make war: disputable prerogative is tied to the laws of England; wherein the king also hath divers prerogatives, as 'nullum tempus,' &c. None of all these Monopolies but have fine examples. There are 3 sorts of patents. 1st. Directly against the law: 2d. good in law, but ill in execution: 3d. neither good in law nor execution. For the first, when the sword of justice, which the laws have trusted the king withal, is given to a subject; and the king saith in his Book, that all grants of Monopolies, and dispensations of penal laws are void in law: when the king granteth his power to a subject, the commonwealth rues for it; and of this kind are old debts. For remedy of this that a course be taken, that, if debts owing to the king are not called for within a time, then to be lost. Of the 2nd kind are Patents for Inns. A 3rd are those which are neither good in law nor execution; and these are concealments, which are dishonourable to the king, for no subject may do it; and indeed the king never knows of it, the sole fault whereof lies in the referrees; and for this a bill should be drawn, that if the king hath been out of possession 60 years, and not recovered any rent for it within that time, then not to be recovered by the king as a concealment. Monopolies are now grown like Hydras' heads: they grow up as fast as they are cut off. All new offices raise the prices of things. In 4 Hen. 7. a dispensation was granted, that some should not pay Subsidies: this was after repealed by act of parl. for otherwise it would have grown so common, that no man would have paid, seeing others freed. He shewed that all the kings, from Edw. III. to this king have granted Monopolies; and, even in queen Elizabeth's time, there were some granted. Sir Rd. Mompesson and one Rob. Alexander procured of queen Eliz. a Patent for the sole transporting of anise-seed. Monopolies have been granted heretofore 'de vento & sole;' that in Devonshire and Cornwall a patent was granted, that none should dry pilchards but those patentees.

Mr. *Alford.* That this was the first parl. that ever he saw counsellors of state have such care of the state. 1 Edw. III. 'Est jus regium revocare' all Patents; and that we should desire his maj. to extend his prerogative to suppress all the patents, and let us fall upon them that have thus by importunity procured them patents. And first, concerning the Patent for Inns, every poor man that taketh in but a horse on a market day is presently sent for up to Westminster and sued, unless he compound with these patentees: and all ancient Innkeepers, if they will not compound, are presently sued at Westminster for enlargement of their house, if they but set up a new post, or a little hovel more than of ancient was there. And instead of reformation of abuses, this patent doth but raise reckonings on the poor traveller; and, instead of restraining the number of Innkeepers, at Bath, where there wont to be but 6, and the town desired sir Giles Mompesson there might not be more, yet he increased them gradatim from 6 to 20 Innkeepers.

*Debate on the Scarcity of Money.*] Feb. 26. Sir *Edwin Sandys* said, he remembered the king's recommendation to this house concerning the scarcity of money. He laboured to shew the necessity of considering of this point. And first beginneth to shew the want of the husbandman and handycraftsman; the one cannot be set to work, and, for the other, the looms are laid down almost every where; and every loom maintains in work 40 men; and so many men are now, for want of money in this kingdom, as it were turned out of the inheritance of their hands. The want in the 2nd sort of men, viz. yeomen; they likewise break their conditions, covenants, and bonds, not (thanks be to God) for want of fruits of the earth, but for want of money; and the fairs also of the kingdom are at a stand. The want of money in the 3rd sort, viz. gentlemen; they by this means want their rent. There is no distemper like to that of want, which hath no laws or bounds.

Sir *Wm. Herrick.* There was wont to be coined 300,000l. per ann. for 20 years together; and, since the East India Company was set up, there hath not been coined above 20,000l. in any year. That the Goldsmiths trade, having been incorporated these 400 years, is now, for want of bullion and outlandish coin, clean decayed: that there was more plate made in the 7 last years of Eliz. than hath been these 7 years last past, by much; and therefore the Goldsmiths making of plate is not the cause of want of coin; which, notwithstanding the greater quantity that was made in the late queen's time than is now, was yet plentiful enough. The shew of the Goldsmith's shops in Cheapside is the greatest in Christendom. There are now above 20 shops set up.

Sir *Edw. Coke* sheweth, that there were two things that principally concern and encrease kingdoms and commonwealths, viz. soldiers and money. That there was coined from the 1 Eliz. unto 16 Jac. nine millions and a half of silver and gold. Sheweth further, that there are 7 Causes of want of Money and Coin in this kingdom.—1. Money turned into plate.—2. Gold folia that is employed in gild-

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ing of things.—3. Change of Money, or silver being much undervalued by us here of that our gold is; which was raised; and so was not our silver, and also all our money passeth at lower rates here, than it doth beyond sea in other countries.—4. The East India Company, who had licence to transport 100,000l. at their first setting up; and albeit they do not, since that time carry out of the kingdom any more English money, yet they intercept the dollars and other money that would otherwise come into this kingdom, and bring in for it nothing but toys and trifles.—5. The goods imported exceed the goods exported, and therefore there must needs go forth of our coin to pay for the surplusage.—6. The French merchants for wine carry forth 80,000l. per ann. and bring in nothing but wines and lace, and such like trifles.—7. The Patent for Gold and Silver lace, which not only wastes and consumes our bullion and coin, but hindereth the bringing of any into the kingdom; which was wont to be so much as would yield 20,000l. per ann. of good bullion.

Mr. *Secretary* addeth an 8th cause, and that is the great number of cattle that are every year brought out of Ireland, for which much, and only money is exported out of this kingdom.

Sir *John Strangeways*. There is 100,000 head of cattle brought every year out of Ireland; which are here sold, some for 40s. others for 3l. a piece; and they that sell them will have no payment but in money.

Sir *Edwin Sandys* divideth the causes of Want of Money in this kingdom into 3 general heads.—1. The Want of Importation of Coin into the kingdom. 2. The Abundance of Exportation of coin out of the kingdom. 3. The great Consumption of Money in the kingdom. For the first, there was wont to come out of Spain a great mass of money, to the value of 100,000l. per ann. for our cloths and other merchandises, and now we have from thence for all our cloths and merchandises nothing but tobacco: nay, that will not pay for all the tobacco we have from thence, but they have more from us in money every year 20,000l. So there goes out of this kingdom as good as 120,000l. for tobacco every year. There is an edict at Rochelle, that none shall import any Gascoign wines into their town, until their own country wines are sold; and yet we permit other countries to import into our kingdom foreign corn, to the great hindrance of the sale of that which is grown here amongst us.

Mr. *Crewe*. There is, as hath been alledged, a great confluence of causes of the Scarcity of Money; and 'felix qui potuit rerum cognoscere causas.' I think the stock of money that was wont to be employed out of the bulk of the Dutchmen's money is a great cause of this sudden damp and scarcity of money in the kingdom. We have in hand 3 great businesses of state, and for the good of this commonwealth. The first is to sweep the house of parliament of the Monopolies. 2. To know the cause of the want of money in the land. 3. To look out the bills of Grace; wherein his maj. was graciously pleased to say, he would meet us more than half way.

Sir *Henry Poole* addeth, that one other cause of want of money is, that there is so much conveyed into Scotland; and therefore wisheth some course may be taken to prohibit that it be not transported thence beyond the seas.

Sir *Dudley Digges*. The East India Co. doth not export above 30,000l.; and that the cause that the Mint standeth still is, that the state giveth not valuation to money.

The *Master of the Wards*. If the value of the importation of the East India Co. do exceed, the value of the merchandizes exported, then we may assure ourselves (as also of all other trafficks and trades) that there hath been money exported.

Sir *Edw. Giles*. The year that I was sheriff of Devonshire, and so almost every year, there goeth out of Devonshire for corn 100,000l. per ann.; for there is not much grown in that county, which is very populous, by reason of the number that are set on work there in making that country kersies.

Sir *Tho. Rowe*. That money goeth here at so low a rate, of that it doth in foreign countries (and foreign coin being prohibited here) so that none can bring in any foreign money hither, but he shall lose by it; which makes all such as come hither bring with them bills of exchange; whereas, otherwise they would bring with them money; and most of these strangers carry forth of this kingdom's money. The East India Co. carrieth not out of Europe 30,000l. per ann. money merchandize. A due proportion ought to be between gold and silver. The standard of silver is not alike here with other countries. The Dutch raise and fall their money at their pleasure. Any that shall bring in money here shall lose 8 per cent. —It was then ordered, "That a Committee of the whole house shall sit every Tuesday, to consider of the causes of Want of Money, and that they shall have power to send for any man or books concerning this business."

Feb. 27. In a Committee on the above business,

Sir *Wm. Herrick*, who was once a goldsmith, saith, that there is most years carried into Poland, 50,000l.

Sir *Edw. Coke*. That 10,000l. per ann. was wasted by melters of gold.

Sir *Edw. Sandys*. There are 3 principal causes of Want of Money in the kingdom. 1. Defect of Importation of money. 2. Excess of Exportation of money. 3. Consumption of money in the kingdom. Merchandize and money is all one in matter of Importation and Exportation, but in matter of consumption money is the chief. The fountain of money is Spain. By traffick we have had heretofore out of Spain, every year, 100,000l. per ann. besides the wines and other commodities we have had from thence in exchange of our merchandizes. It is lawful to bring money out of

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Spain for victuals, although it be prohibited otherwise. The cause we bring not money out of Spain, is, for that we have our return in tobacco; which, if we would bring out of other places, which are under the protection of our king, we should have more money from Spain. The Summer Islands and Virginia have plenty of tobacco, and it grows every year better than other; for that country tobacco was worth 2 years since but 4s. the pound, and it is now so much bettered, as it was sold this last year for 8s. That it will be a double profit to us to divert the bringing in of tobacco out of Spain, and to cause it to be brought out of Virginia and the Summer Islands; for thereby we shall enrich those countries under our dominion, and also England shall be better stored with money, when we will not take our return for our merchandize in tobacco, but in coin or bullion, as we were wont to do.

Mr. *Towerson.* The great concourse of strange Bottoms, that bring in out of other countries merchandize, do carry forth, as it is to be doubted, nothing but money. And also the high rate and price of the Mint for coining is a great cause also that it goeth not. That the least part that the East India Co. hath spent is gone forth in money or coin. There is much money transported into Turkey, for which there is brought into the kingdom nothing but currants, silks, and indigo.

Sir *Nath. Riche.* The defect of trading into the West Indies, as in the time of Eliz. is a cause that there is a greater Scarcity of Money than there then was. Another cause is, the great impositions laid on cloth, as the pretermitted custom and the like: and that the want of the price of wools is a great cause of the want of money. The importation of salt out of France is another cause of it, for the French do carry away for their salt nothing but our gold and silver. In Spain our merchants are paid in brass, and to change that into silver or gold they lose 15 of the 100.

Mr. *Guy.* There is not now so much lead digged as was wont to be, for that the tax that is imposed on it is so great. At a monastery in Liege and Brussels there is an abundance of English coin; wherefore it were good that order were taken that so much money be not transported out of England by strangers or others.

Sir *John Walter.* The proclamation in the lord treasurer Salisbury's time, that no foreign coin should be current here with us, is a great cause of the Scarcity of Money. Before this we had much coin came in out of Spain, France, Germany, and the Low Countries.

Sir *Foulk Greville,* chanc. of the exchcq. The under valuation and difference of the standard for money, is as well the cause that foreign coin is not brought in, as is the proclamation which did command that no foreign should be brought in.

The *Master of the Wards.* The Merchants Adventurers Customs, which were wont to be, 37,000l. are now come to be but 27,000l. per ann.; so there was 10,000l. loss to the King and kingdom, and proportionably there must be 200,000l. per ann. less brought in than there was wont to be. The French do import much more than they export. The Turkey Co. do carry forth more coin than the East India Co.

Mr. *Secretary.* There may not be a prohibition that any tobacco should be brought out of Spain; for then the Spaniard will prohibit the bringing of some other merchandize, which is more needful for us to vent, and to have from them: for that, by the Treaty with Spain, all free trade and traffick used at the time of the treaty is to be allowed and used to both kingdoms, and their merchants, or others, for each other's commodities. Heretofore the Spaniard was wont to fetch our commodities, and lay us down money for it; and they have more need to seek our merchandize, than we theirs: nay, it would be happy for this kingdom if Spain would prohibit the sale of their merchandize to our English merchants; for the merchandizes brought from thence are not needful to us, but they are only superfluous commodities; and the Spaniards would gladly give us money for our commodities, rather than go without them, being indeed such as they cannot want.—It was hereon resolved by the House, that the Importation of Tobacco out of Spain is one reason of the Scarcity of Money in this kingdom.

March 1. Mr. *Hackwill* reporteth from this committee, that in their examination of sir Giles Mompesson's business, they found the heads and extent of his offences to multiply, and they therefore desire a present message to the Lords.

Sir *Edw. Coke.* There are in my observation 6 kinds of men, that never thrive or prosper. 1. Alchymist; for 'omne vertitur in fumum' with him. 2. Monopolizer; for he engrosseth to himself what should be free for all men. 3. Promoter, who for the most part lives upon the spoil of poor men. 4. Concealment-monger, or he that gets Concealments. 5. Depopular, who turns all out of doors, and keeps none but a shepherd and his dog. 6. New Projector, who is lately started up.

March 2. Mr. *Hackwill,* concerning sir Giles Mompesson, reported, that the Committee of Grievances is of opinion, that a message should be sent to acquaint the Lords, that we have discovered matters and offences tending to the wrong of his maj. in his justice, honour, and estate, to the disinheritance of his maj.'s subjects, and the corruption of the commonwealth, and this by a man of quality; and therefore we thought it fit to pray a conference with their lordships.

*Proceedings against sir Giles Mompesson, a Monopolist and Patentee.*] We shall now present the reader with a narrative of the proceedings against sir Giles Mompesson, a member of parl. a Projector, and a great Dealer and Patentee. This man the commons convened

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before them, and ordered him into custody of the serjeant at arms; but he, being conscious of his guilt, found means to make his escape and fled beyond sea. The particulars of this affair will best appear from the Journals of the Lords, to whom the commons carried their complaint against the said sir Giles, and others concerned with him in the execution of his projects: all the judicial proceedings both against this man, and others of much higher rank, in the sequel, being transacted before this supreme Court of Judicature. We shall therefore now return back to the Journals of the Lords where we left off, in the diurnal account from that authority.

March 3. A Message from the Lower House was delivered to the Lords by sir Edw. Coke, attended by several knights, citizens and burgesses, to this effect:—"That the House of Commons had entered into a due consideration of divers heavy Grievances, and do desire a Conference about them; leaving the time, number and place to their lordships appointment. He further added, as part of what they had enjoined him to say, that whilst their house was thus, amongst themselves, in treaty and advice, the principal offender, sir Giles Mompesson, was escaped. Therefore, the Commons did desire strict scrutiny should be made for finding him out within the realm." The messengers being withdrawn, the Lords agreed to the conference; the number, the whole house; the time and place, March 5th, at 2 in the afternoon, in the Painted Chamber. Sir Edw. Coke and the rest were again called, and the lord chancellor acquainted them, That the house had agreed to meet with the Commons, as above; and that their lordships would give their best aid and assistance for finding out the offender. On which answer, sir Edw. desired to explain his message a little further; and declared that the Commons were not fully provided for a conference so soon: but that his meaning was, That if their lordships would be pleased to yield to one, then the other house would prepare the business so as it might give least interruption to their lordships greater affairs: and, when they were ready, would return and acquaint their lordships with it. The chancellor answered, That the Lords would suspend the time, till the Commons were ready for the Conference.

Severals proposals were then made for the apprehending of sir Giles Mompesson; and a Message was sent to the Lower House to acquaint them, "That they had appointed a committee of 40 lords, of which the Prince was the first, to confer with a number of the Commons, immediately, about that point." The lord Zouch, warden of the Cinque-Ports, was ordered to send his warrant thither, to search for and apprehend the said sir Giles, if he should attempt to escape that way. The two lords presidents, of Wales and of the Council at York, were ordered to cause strict search to be made in the several ports under their charge. The lord treasurer had the same charge given him, to take care that all officers of the customs and other officers, within the ports, havens and creeks of this land, be warned of this business. Lastly, orders were given to the lord-admiral that he should instruct all vice-admirals and other maritime officers under his jurisdiction, to make the like search for this extraordinary runagate.

All these orders and directions of the Lords being told to the Committee of the Commons, they approved of them, with thanks; and only desired that a more private search might be made for the offender. Accordingly, a warrant was ordered to be drawn, as from the Lords, and signed by the chancellor, as their Speaker; and the lord chamberlain, the earls of Arundele and Southampton, the lords Hunsden and Houghton, were appointed for that purpose. Which warrant, was ordered to be directed to the deputy-clerk of the crown, and clerk of parl. and to all mayors, bailiffs, &c.—In the midst of these orders and directions, the lord-admiral, the marq. of Buckingham, declared openly to the house how much he had been deceived and abused by this offender, sir Giles Mompesson; who, but very lately, had wrote to him, protesting his innocency, affirming that what was objected against him was but matter of cavil, and that he desired only a legal trial by due course of law.

March 5th. The Lord Chancellor acquainted the Lords, that the deputy-clerk of the crown, and the clerk of parl. with others had, according to their lordships direction, made search into the several houses of sir G. Mompesson, sir Fra. Mitchell, and in the house called and used as for the exercise and execution of letters patents, concerning Gold and Silver Thread, &c. in Woodstreet; and that in each search the said clerks had brought away divers books and writings, concerning such matters wherewith the said sir Giles standeth charged; which they had sealed up, according to the direction of the house. The Lords ordered that the said things so sealed up, should be safely kept by the clerk of parl. until their lordships should be pleased to give further direction, about delivering them to such members of that house as should be assigned to receive the said books and papers, for the better manifestation of the truth in such matters as the said sir Giles stood charged with.

*Motion for an Academy for Youth of Quality.*] The same day the lord-admiral Buckingham, moved, "That since the Education of Youth, especially of Quality and Worth, is a matter of great consequence; therefore to provide that such persons, in their tender years, do not spend their time fruitlessly, about the town or elsewhere, his lordship wished that some good and fit course might be taken for the erection and maintenance of an Academy, for the breeding and bringing up of the nobility and gentry of this kingdom, in their younger and tender age: and for a free and voluntary contribution, from persons of honour and quality, for that purpose." This motion (says the

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Journal) was generally liked and commended, and many grave and judicious speeches were used, by several lords, touching the most considerable and material points, and the perfect accomplishments of this most honourable project. Some concerning the place where such an Academy should be placed and erected; others, what qualifications, arts, sciences and exercises should be there taught and practised; then, how to be maintained; and to what kind of young gentlemen freedom shall be given to resort to live there as they shall please, with other circumstances. And, in order that the matters and points aforesaid might, with more conveniency, be opened and discussed, the house was adjourned during pleasure.

*Further Proceedings against sir Giles Mompesson.*] March 6. The Lords received a message from the Commons, "That they had taken notice of some warrants, issued by their lordships, for search in certain places for papers concerning sir Giles Mompesson. That the parties, therein employed, had found and brought in certain papers sealed up, also, a trunk and a bag in which other papers and books are sealed up, which they desire may be delivered to them. That one question had been made by the persons so employed, concerning their power, and they desire further warrant, from the lords, to authorize them to open locks, doors or chests, that their search may be more enlarged." *Answer.* "That the Lords do grant the request of the Commons in all its points; and will give direction for the proper additional words to be added to the warrant."

March 12th. The Lord Chancellor reported what passed at the last Conference of both Houses; the inducement of which was, to clear the king's honour touching Grants to sir Giles Mompesson, and the means of procuring the same. The effect of this Conference was, "That the king, on the Petition of the said sir Giles, to have a Patent to reform abuses in divers innkeepers, and a warrant to compound for the penalty of obsolete laws touching the prices of horse-meat, had referred the same to several judges, for the point of law; and to divers lords, for the point of conveniency. That his maj. had shewn the like care, in granting the Patent for Monopoly of the sole making of Gold and Silver Thread. That sir Henry Yelverton, attorney-general to the king, had advised the same to be returned into his maj.'s own hands, and then by indentures to authorize divers persons to manage it; but that this also was referred by his maj. to the consideration of several of his council. That the benefit arising to the king was made over to others, pro tempore; that the authority granted by the king, was much abused in the execution thereof, to the intolerable grievance of the subject; and, lastly, that much imposture was used in the trade."

*Order to prevent Lords from speaking in their own Defence at Committees, &c.*] The Lord Chamberlain then stood up, and declared to the house, "That, at the said Conference with the Commons, two great lords, meaning the lord chanc. and the lord treasurer, spoke in their own defence, not being allowed so to do, when committees are named, and the said conference directed and limited by this house; which was against the antient orders thereof. Therefore his lordship moved that an Order may now be entered to prevent the like hereafter." The motion was agreed to, with this addition, "That the said lords should give the house satisfaction, by an acknowledgment of their error herein."—Whereupon the Lord Chancellor Bacon removing again to his seat as a peer, did acknowledge, that contrary to the orders of the house, he had spoken, at the last conference, more than he had direction from the house to do, and owned that he had erred therein. Which acknowledgment the Lords, in general, accepted of. The Treasurer also did the same; and then it was particularly ordered that these acknowledgments should be entered in the Journals. Moved by the lord Spencer and agreed to, "That no Lords of this house are to be called Great Lords, because they are all Peers."

The Lords taking into consideration the Grievances complained of by the Commons, it was agreed, That a select committee should be chosen to confer with that house, as well to demand of them such letters-patent, commissions, warrants, examinations and other writings, which concerned the Grievances; as also to receive, by word of mouth, such further informations as might conduce to the proving of such Grievances as they had complained of.

A Message was then sent to the Commons to desire a conference, and after a long stay, Answer returned, That they accepted of their lordships motion, and would appoint 50 of their house to meet them at 9 in the morning. That their committee should bring with them all the letters-patent, &c. which the Lords required to see concerning the Grievances; and should likewise inform their lordships of such other verbal proofs, which they had received about them.

*Report concerning Protestation upon Honor.*] The same day, the earl of Arundel reported to the house, "That on the 11th inst. the Lords Committees for Privileges, &c. attended his maj. according to order, and that his maj. was pleased to rest satisfied, as well in their enquiring of privileges, belonging to the peers, as also that they did no ways trench into the royal prerogative, as the judges had suggested, unto the said committee. His lordship further reported, That his maj. was pleased, of himself, to take notice, That he understood the peers conceived it a privilege, belonging unto them, to protest only upon their honours, and not to be put to their oaths, in suits, as ordinary subjects were." To which the Lords answered, "That it was very true the house had taken consideration of it; and found much cause to think, that in the time of divers of his royal progenitors they had enjoyed that privilege, which they thought the practice of later times



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had invaded, to their disadvantage; by encroaching upon it by little and little, when they were not careful of it. But withal, they told his maj. that this was no part of their errand to him; and therefore besought him to conceive, that what they spoke was only as private men, who were no way authorized, at this time, in these points, from the house. His maj. said, "That he understood it so, but desired them to answer him one question ingenuously, which was, Whether they thought Protestation, upon Honour or Oath, to bind them more." To which the Lords all answered, unâ voce, That they conceived protestation, upon honour, to bind more than oath did; as being the same before God and before the world; and, in regard to the trust given to their degree, a far greater charge. Adding, that they conceived the constant and undoubted usage of trying peers, for their honours, blood, lives and estates, upon their honour only, did plainly prove it; and that they thought no past age had produced any example of inconvenience in the practice of it. His maj. seemed fully satisfied, and bid them tell the house from him, "That he willingly agreed to this privilege, so as they would take care the common justice of this kingdom might not suffer in it. And that he was so far from diminishing their privileges, that he would rather add unto them any that were fit."

March 13. The names of the committee for the Conference, to be had this morning, with the Commons, were read. Moved by the earl of Arundele, "That the whole house (as a committee) might consider of the business now to be handled, in the Conference, with the Commons; which was generally agreed to. Whereupon the Lord Chancellor, moving from his place to his seat as a peer, after long debate, it was concluded and agreed to, That the lord chamberlain should begin the said Conference, and that it shall be lawful for any of the Lords of the said committee freely to question with the Commons; to this intent only, to be informed of their proofs of the Grievances of which they complain; and, to that end, to enter into disputes and arguments with them, and to appoint another meeting, if the cause shall so require. It was further agreed, "That the attorney-general should be assistant to the said Lords of the committee; and should take notes of the proofs produced in the conference; and that any lord might also take notes thereof, and compare the same with others. The lord chamberlain to make report thereof to the house."—At the return of the Committee from the conference, the lord chamberlain reported, That the committee of the Lower House desired to be excused from entering into verbal information and disputes, for that they had no authority so to do. But that they humbly desired leave to return to their house for such authority, and to meet again upon the same business."

In the Journals of the Commons of this day, is an entry; "That when sir Edw. Coke made the Report of this last Conference, in that house; he told them, That their proceedings were highly applauded, both by the Prince and all the Lords. And the lord of Bucks, having leave to speak, delivered himself to this effect: he first said, "That the king was both passive and active in these affairs: passive by his maj.'s gracious acceptance of these proceedings in parl. which was plain that the king loved plainness: active in that he strikes whilst the iron is hot; and since the king was willing to grant all we can ask, let us leave formality and ask real things. That, for his own part, since he had been righted in their house, he would do all his best endeavours to further the good both of king and kingdom; which could not be severed. That now he knew the wisdom of parliaments, he would submit himself to be a scholar to them. That two of his brothers being drawn into question on these affairs, he would not defend them; but leave them to the censure of parl. That he who begot these two had also begot one who would seek for their punishment."

The same day a Message from the Commons was brought by sir Edw. Coke and others, viz. "That whereas, at a meeting for a conference this morning, the lords committees of this hon. house desired to receive of them, not only all letters-patent and other writings, but also verbal informations of all other matters whereof they had made use in the proof of their Grievances, now complained of: and forasmuch as then they had no authority to enter into dispute, or to give any verbal information thereof, they had humbly desired leave to return to their house to receive such authority for the same: they do now humbly implore another meeting, on Thursday next, by 9 in the morning, at such place as their lordships shall appoint; and they will come prepared to give them full satisfaction." *Ans.* "The Lords have considered of this their request and will meet them, at the time desired, in the Painted Chamber. Nothing else material done. Adjourned to Thursday.

*Report from the Committee on Grievances.*] March 15th. When the Lords of the Committee were ready to go to the Conference about Grievances, the lord treasurer declared, "That as every man ought to have a high esteem of his honour, so he ought not to be so rash as to infringe the orders of this hon. house; That many might think him peremptory, in defence of his honour, the other day; but he protested it was not out of any pride: for he freely confessed he spake, at the last Conference, more than he ought, by the ancient orders of this house; but he neither loved error, nor will contemn order; and therefore moved, That whatsoever was spoken of him, or by him, might not be prejudicial in their proceedings in this business."

After the Conference the lord chamberlain reported to the whole house what had been done at it; which was to this effect: "That the Commons had delivered in a Declaration

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of their Grievances, and the capita of their proofs, in writing, sub protestatione not to be a precedent for them to deliver in their proofs, in writing hereafter. Their Grievances were grounded upon grants of the Forfeitures and Dispensations of penal statutes, for Inns, grants of Monopolies for Gold and Silver-Thread, and grants of Concealments. Touching penal statutes, they highly commended his maj.'s care, both now and in former times, in referring the same to the Judges and his privy-council, and his resolution not to grant Dispensations therein. For the grants of Monopolies, they shewed, that many grants of the like nature have been questioned in former times, and resolved to be unlawful. For instance, in the Monopoly of sweet Wines, granted by king Philip to the town of Southampton. The monopoly of Starch. Monopoly for making Salt adjudged void; for that the invention alledged in the grant was not new. Monopoly of Train Oil. Monopoly for Cards. As to the grants of Concealments, they shewed how dishonourable it was for any lord to grant the like, much more for a king: that a cathedral church and 12 hospitals were swallowed up thereby: that it was contrary to the king's royal direction in his Book of Bounty; wherein he refuseth to be moved with grants of that nature. They set forth their care in these 3 points, viz. 1. Not to meddle with the king's prerogative; 2. To preserve the king's honour; 3. To restore the subjects their wealth. That they had delivered the Patents, Commissions, and other Writings, demanded of them. Two of the Declarations of the said Grievances, concerning Inns and Concealments, were then read."—

After this, the lord Wentworth moved, and it was ordered, That no bill but the prince's bill should be read, until the business of sir Giles Mompesson be past and determined. The house to sit on convocation days, for the more speedy dispatch of that business. Adjourned till two in the afternoon.

*Proceedings relative to the Grievances.*] March 15th, P. M. The third Declaration of Grievances, concerning Gold and Silver-Thread, was read. The lord chancellor opened the most considerable points in it, which he conceived to be five: 1st, the Patents, which are three, and the points in law concerning the same. Next, What Parties are to be charged for the same. The proofs, wherein are to be considered what hath been delivered by the Commons; and what may be further found out, and how. The Punishment to be inflicted on the Offender. Lastly, the precedents and manner of the punishment, according to the quality of the offender.

It was then debated by the Lords on which of these points to begin; and that it might be carried on more freely, it was agreed that the whole house should be a committee, ad libitum; on which the chancellor left his place, and sat as a peer. It was moved by the lord Spencer, and seconded by the lord Wentworth, That sir Allen Apsley, with Twedy, Wilmot and Ferret, who abused the execution of those Patents, should be sent for and committed to custody. The earl of Southampton moved, "To begin first with the execution of the Patents by the patentees and their agents; and, as there were 3 Patents complained of, to appoint 3 committees, of a new number, each committee to examine the execution of one Patent. Also because the Lower House could not, nor did not, take the examinations, to them delivered on oath; therefore that the witnesses might be sent for, and sworn to their examinations." Which motion was seconded by the lord chancellor with this addition, "That the oath is to be given publickly in the house; for that it could not be administred in a committee." All which motions, on the question, were agreed to.—Next follows the names of the Lords appointed for the 3 Committees, with the order of the times for sitting.

March 16. The lord chamberlain, being the first of the committee on the Grievances by the Patent of Inns, declared, "That whereas it was yesterday ordered that parties, whose examinations were to be taken on oath, should be sworn in open court, it appeared that the gentlemen undernamed, whose testimony is very necessary, are members of the Lower House; and therefore he desired, that a message should be first sent, with great respect, to the other house, before they be sworn. Their names were sir Francis Fane, knt.; sir Rd. Titchburn, knt.; sir Fran. Goodwin, knt.; John Drake, esq; and Rd. Weston, esq. A message was accordingly sent to the Commons who returned for answer, "That as it was a matter of great and weighty consequence, they would take it into consideration, and send an answer by messengers of their own." This occasioned a long debate in that House, in the course of which,

Sir *Edw. Coke* said, that every one who sitteth here is as a judge, and hath a vote negative in the making of the laws of this kingdom: that the Judges of the Common Pleas, or of any court, are never sworn as witnesses in any case, albeit they know of something concerning it, and can testify in it; but, if their knowledge be asked, they answer it without an oath: that no Judge of the Star-Chamber can be served with a subpœna ad testificandum in that court; and therefore none of us are to be examined as witnesses in any thing whereof this House with the Lords are to be judges.

Mr. *Noye*. That the Lords have no more reason to desire any of us to be sworn to any thing that we have delivered to them, and wherein we desire them to join with us, than we have to crave to examine any of them for any thing that we receive from them.

Sir *Robert Phillips*. That, had the Lords been acquainted with such cases as that which we have sent them, they would not have sent to us a message to have any of us sworn as witnesses: but desireth, that this may not breed (as it is to be doubted some set it on foot for

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that purpose) any jar between us and the Lords, and so hinder our proceedings in the great business we have in hand: that we may answer, that since it is a thing that may be prejudicial unto us, that their lordships will be pleased to proceed on that which we have done; and, if they doubt of any thing, that records may be looked into, which will clear all the material doubts and points of that business.

Sir *Edw. Coke.* That for a member of this house to be examined on oath in a business sent from us to the Lords was never before desired: that we were best to answer, that we have no precedents that ever it was done, and that there is no necessity in it, because the greatest matters are sufficiently proved.

Mr. *Wentworth.* That we with the Lords are but one body, and therefore are not to be examined on oath; but we may attend them to answer by word without oath to affirm what they shall desire to be affirmed.

Sir *Thos. Rowe.* That we, having already adjudged the business, are not to be called as witnesses.

The *Chancellor of the Dutchy.* That, if we will not have a member of this house to be called to witness on his oath, then what will become of the business against the Lord Chancellor, which is principally testified by two members of this house.

Sir *Dudley Digs.* That the business against the Lord Chancellor is not of this kind; and, if the witnesses against him be found guilty of the delivery of the corruption and bribes, that they are then to be held (in his judgment) unworthy to sit as members in this house.

Mr. *Alford* holdeth it a preposterous thing to be called as witnesses in a business, where we have before been judges.

March 17. A Message from the Lower House, by sir E. Coke, and others, intimating, "That the Commons had been acquainted some principal persons of their house were desired to testify, upon oath, their knowledge concerning the Grievances complained against that wretched man, sir Giles Mompesson, and others: that the parties so required had offered themselves to be sworn; and therefore that house will not be scrupulous herein, as the Lords may perceive their concurrence and readiness to expedite that business:" which message was gratefully acknowledged by the Lords. And the aforesaid 5 members desiring a day's respite to put down their several dispositions in writing, to which they were to be sworn, it was granted.

March 19. A Memorandum is entered, That by reason of want of health and indisposition of the Lord Chancellor, a commission was awarded to sir James Ley, knt. and bart. lord chief justice of the king's bench, signed by the king, and under the broad seal, to execute that office in his stead. We shall soon find what was the Lord Chancellor's illness.

The same day a Message was sent from the Commons by sir Fulk Grevile, and others, "That the knights, citizens and burgesses of that house have sent up to the Lords a bill of Subsidies; which, as it passed that house with great and general alacrity and expedition, they doubted not but the lords will, with the like chearfulness, expedite the same."

In the midst of their inquiries into public Grievances, the Commons had thought fit to consider the necessities of the state, and grant the king a Supply.

*The Subsidy Bill passed unanimously.*]—March 12. The Subsidy Bill was debated in that house, and, at last put to two questions, whether the bill should be recommitted? which passed in the negative; and, whether to be engrossed, or no? which last was carried for engrossing, without one negative voice. On the 18th it passed the Lower House, and was ordered to be sent up to the Lords, as abovementioned. We cannot omit, that a Message from the King was delivered to this house, on their unanimity, &c. in passing the Subsidy bill, "That he returned them thanks for their chearfulness in it; and looked upon it as giving him their hearts and all."—When this bill for granting two entire Subsidies, by the temporality, was read a first time by the Lords, the lord chief justice repeated the last proviso of the act, which declares, "That since it is not usual to grant a Subsidy at the beginning of a parl. they desire it may not be drawn into a precedent, nor be prejudicial hereafter, as the royal assent may be given, by commission, or otherwise, for the speedy levying of the same, the parl. still sitting." Ordered that this bill be read again in the afternoon.

Another Message came from the Commons, brought by Sir Rob. Philips, and others, "That, in their search into the Abuses of Courts, they found Abuses in certain eminent persons; for the which they desire a Conference, that such course may be taken for the redress thereof, as should stand with the honour and dignity of a parl. The time, place, and number of committees, they humbly leave to their lordships." Answer was returned, "That the Lords were well pleased to accept of the Conference required; the committee to be of their whole house, and at 2 this afternoon, in the Painted Chamber.

March 19, P. M. The lord treasurer returned, with the committee of the whole house, from the Conference; and, being to make the Report, told the lords that he desired respite till the next morning, that he might, in the mean time, peruse his notes taken thereof.—This day concludes with a Memorandum, That whereas, in the Subsidy bill granted by the laity, the University of Oxford was named before the University of Cambridge: it was much debated by the Lords what course was to be taken for an equality between them, that the one might not have the precedency of the other. But nothing was concluded on, about this matter, at that time.

*Complaint against lord chancellor Bacon, and the bp. of Landaff for Corruption.*] Before we proceed to this Report, it is necessary

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to look back a little into the Journals of the Commons, for the beginning of this business against so renowned a man, as sir Francis Bacon, lord Verulam. March 15th, sir Rob. Philips made a Report from the Committee, appointed to examine into the proceedings of the Courts of Justice, which he divided into three parts; the person against whom; the matter; and the opinion of the committee upon it, with the desire of further direction from the house. The person, he said, was the Lord Chancellor; a man excellently well endowed with all parts of nature and art; of whom he would not speak much, because he could not speak enough. He then proceeded to accuse the lord chancellor of Corruption, and opened the nature of the evidence to prove it; but, as this will appear much clearer in the Trial of the Lord Chancellor before the Lords, we shall postpone it till then.—The Commons, pursuing this enquiry in their own house, on the 19th received a Message from the king by one of the secretaries of state, "That the parl. had now sat long, and Easter being at hand; he left the time of cessation to that house: that his maj. named Tuesday, the 10th of April, if they thought proper; but this of their own choice."—His majesty taking notice of the Complaint against the Lord Chancellor, said, "That he was very sorry a person so much advanced by him, and sitting in so high a place, should be suspected. That he cannot answer for all others under him, though his care in the choice of Judges had been great; but if this accusation should be proved, his majesty would punish him to the full. That the king would, if it be thought fitting here, grant a Commission under the great seal of England, to examine all upon oath that can speak in this business. The commissioners to be six of the Upper House, to be chosen by them, and 12 to be elected by this house. That his maj. was sorry the Chancellor should be so questioned, and hoped he would be cleared; but, if not, assured the house that he would punish him to the full."—This message was most gratefully taken by the Commons; but, the matter being to come before the Lords, the offer of a commission, for examining on oath, was needless; so it was sent up to that house as aforesaid.

March 20. The Lord Treasurer reported the Conference yesterday with the Commons; in which he informed their lordships of great Abuses in the Courts of Justice. This he divided into three parts:—1. Of the Persons accused. 2. Of the Matters objected against them. 3. The Proofs. The Persons were the lord chancellor of England, and dr. Field, lord bp. of Landaff. The incomparable good parts of the Lord Chancellor were highly commended; the place he holds magnified, from whence bounty, justice, and mercy were to be distributed to the subjects, with which he was solely intrusted; whither all great Causes were drawn, and from whence no Appeal lay for any injustice or wrong done, save to the parl. That the lord chancellor is accused of Bribery and Corruption, committed by him in this his eminent place; of which two Cases were alleged, the one concerning Christ. Aubrey, the other Edw. Egerton. In the Cause between this Aubrey and sir Wm. Broucker, Aubrey fearing some hard measure, was advised to give the lord chanc. 100l. which he delivered to his counsel, sir Geo. Hastings, and he to the lord chancellor. The proceedings in this business going on yet, but slowly, Aubrey wrote several letters, and delivered them to the lord chanc.; but could never get any answer from him, till, at last, delivering another letter to him, the chancellor told him, that 'if he importuned him again he would lay him by the heels.' The proofs of this accusation are five.—1. Sir Geo. Hastings related it long since to sir Geo. Montague. 2. The lord chanc. fearing this would be complained of, desired silence of sir Geo. Hastings. 3. Sir George Hastings's testimony thereof; which was not voluntary, but urged. 4. The lord chanc. desired sir Geo. Hastings, to bring the party, Aubrey, unto him, and promised redress for the wrongs done to him. 5. That the lord chanc. said unto sir Geo. Hastings, if he would affirm the giving this 100l. his lordship would and must deny it upon his honour.—The Case of Edward Egerton was this: There being a suit depending in chancery, between the said Edw. and sir Rowland Egerton, the former presented his lordship, a little after he was made lord keeper, with a bason and ewer of 50l. and above; and afterwards he delivered to sir George Hastings and sir Rd. Young, 400l. in gold, to be presented to the chancellor. Sir Rd. Young presented it; and his lordship took and poised it, and said it was too much, and returned answer, "That Mr. Egerton had not only enriched him, but had laid a tye upon his lordship to do him favour in all his just causes. The proofs are the testimony of sir Geo. Hastings, and one Meretill, a scrivener, thus far, That he took up 700l. for mr. Egerton; who then told him that a great part of it was to be given to the lord chanc.; and that mr. Egerton afterwards told him that the 400l. in gold was, accordingly, given to the lord chanc."

At this Conference was further declared, that a bishop's character was touched in this affair; whose function the Commons much honoured, though his person was somewhat tainted therein. The affair was thus: the business depending being given against mr. Egerton, he procured a new reference thereof from the king to the lord chancellor: his lordship first demanded the parties to be bound in 6000 marks, to stand to his award. Having entered both into bond for that purpose, the chancellor awarded the matter against Edw. Egerton, for sir Rowland Egerton. The former refused to stand to the said award, and a new bill was exhibited in chancery. Hereupon his lordship ordered, that the bond of 6000 marks should be assigned unto sir Rowland Egerton; and he to put the same in suit in his lordship's name. The bishop of Landaff, as a friend unto Edw.

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Egerton, adviseth with Randolph Davenport, and one Butler who is since dead; to endeavour to procure a stay of the decree upon that award, and a new hearing. It was agreed that 6000l. should be given for this by mr. Egerton, to be shared amongst them and certain hon. persons; and a recognizance of 10,000l. was required by the bishop from mr. Egerton, for performance thereof. The bishop's share of this 6000l. was to have been so great as no court of justice would allow. The Commons produced letters of the bishop's naming the sum, and setting down a course how this 6000l. was to be raised, viz. The land in question to be decreed to mr. Egerton, and out of that the money to be levied; and, if this matter was not effected, then the bishop promised, in verbo sacerdotis, to deliver up the recognizance to be cancelled. The recognizance was sealed, and Davenport rides to court, and moved the lord-admiral for his letter to the chancellor herein; but his lordship denied to meddle in a cause depending in suit. Then the said Davenport essayed to get the king's letter; but failed in that also: so that the good they intended for mr. Egerton was not effected; and yet the bishop, though required, refused to deliver up the said recognizance, until mr. Egerton threatened to complain thereof to the king."

The treasurer also declared, "That the Commons do purpose, if any more of this kind should happen to be complained of before them, that they will present the same to the Lords: wherein they shall follow ancient precedents, which shew, that great personages have been accused for the like crimes in parl. Lastly, they humbly desired, That forasmuch as this concerns a person of so great eminency, it may not depend long before their lordships. That the examination of the proofs may be expedited; and, if he be found guilty, then to be punished, if not, the accuser suffer the same."

This report being ended, the Lord-admiral acquainted the lords, "That he had been twice with the lord-chancellor to visit him, being sent by the king. The first time he found his lordship very sick and heavy; the second time he found him better and much comforted, because he had heard that the Complaint of the Commons against him for Grievances was come into this house, where he assured himself to find honourable justice. In confidence whereof his lordship had written a letter to the house; which letter the lord-admiral presented to be read, as follows:—

*Lord Bacon's Letter to the Lords.*] "To the right hon. his very good Lords, the Lords Spiritual and Temporal, in the Upper House of parl. assembled.—My very good lords, I humbly pray your lordships all to make a favourable and good construction of my absence; it is no feigning nor fainting, but sickness both of my heart and of my back, though joined with that comfort of mind that persuadeth me that I am not far from heaven, whereof I feel the first fruits: and, because, whether I live or die, I should be glad to preserve my honour and fame, as far as I am worthy, hearing that some Complaints of base Bribery are come before your lordships, my requests unto your lordships are; 1st, That you will maintain me in your good opinion, without prejudice, until my cause be heard. 2ndly, That in regard I have sequestered my mind at this time, in great part off from worldly matters, thinking of my Account and Answer in a higher court; your lordships would give me some convenient time, according to the course of other courts, to advise with my counsel and to make my Answer; wherein nevertheless, my counsel's part will be the least. For I shall not, by the grace of God, trick up my innocency with cavillations, but plainly and ingenuously, as your lordships know my manner is, declare what I know or remember: 3rdly, That according to the course of justice, I may be allowed to except to the witnesses brought against me, and to move questions to your lordships of their cross examinations, and likewise to produce my own witnesses for discovery of the truth. And lastly, if there come any more petitions of that nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially, against a Judge that makes 2000 degrees and orders in a year, (not to speak of the courses that have been taken for hunting out complaints against me) but that I may answer them according to the rules of justice, severally and respectively. These requests I hope appear to your lordships no other than just; and, so, thinking myself happy to have so noble peers and rev. prelates to discern of my cause, and desiring no privilege of greatness for subterfuge of guiltiness; but meaning, as I said, to deal fairly and plainly with your lordships and to put myself upon your honours and favours; I pray God to bless your councils and persons. And so I rest, your ldps. humble servant, Fr. St. Alban, Canc. March 9, 1620."

*The Bp. of Landaff's Defence.*] The clerk having read this letter, the bp. of Landaff was admitted to speak in his own Defence, on the Accusation of Brocage, in a Bribe intended to the lord chancellor, in mr. Egerton's cause. The said bishop declared his great grief, "That he remained accused, arraigned, condemned and executed, in dictâ causâ. For, although he should, as he doubted not to do, clear himself, yet the scandal would not die. He said that the party who acused him was the party grieved; a man weak and mad with affliction; and as for the action whereof he was accused, he was but made use of in it. He was requested, first by Francis Jenour but refused; then by Tristram Woodward, and then he also denied it; at last the party himself requested him, at whose tears he yielded thus far; that the party, viz. Edw. Egerton, might acknowledge unto him a recognizance of 6000l. it was only acknowledged, not enrolled, nor intended to be enrolled; he was only trusted with it for mr. Egerton's good, Davenport and others were to be the actors. That he discharged his

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trust accordingly, though Davenport and others importuned him to the contrary. His aims in this action were two; the one charity, to do mr. Egerton good, the other to prefer a beneficial suit to an hon. friend to whom he owed his very life. If he had an eye to some private gain to himself, having a wife and children, he had therein sinned against God, in not relying wholly on him for their maintenance; but no share in the sum of this 6000l. was ever purposed unto him, and upon strict examination of his conscience therein, he protested, before God, in whose sight he stood, and before this hon. assembly, 'qui estis dii, inquit,' That he was not to have had one denier of a share therein."

When the bishop had ended his Defence, the lord chamberlain moved, That for the better consideration of this business, and how to proceed to the proofs, the court may be adjourned, ad placitum, and the whole house sit as a committee; whereupon the lord chief justice removed to his place, as an assistant.—After much debate thereof, the lord chief justice returned to his seat as Speaker; and it was agreed, that a Message should be sent to the Commons, declaring, "That the Lords, according to the conference yesterday, have taken consideration of the Complaint by them made against the lord chancellor and against the lord bp. of Landaff. That they find the Commons have made use of 3 letters, written by the said lord bp. of Landaff, and of other writings, mentioned by them in the said Complaint; also the Testimony of two gentlemen, members of that house, sir Geo. Hastings and sir Rd. Young; in taking whose testimonies the Lords intend not to touch the privileges of their house, but to have it as from private persons and not as members of parl. Lastly, that the Lords may also, with the like respect, desire the testimony of any others, though members of that house, if cause shall require, upon the examination of the abuses complained of." *Answer.* "That the said two gentlemen will voluntarily, and not by commandment or direction of their house, attend their lordships; and that all letters required shall be sent accordingly. As for the general request, That the Lords may send for any other member of that house to be examined, herein they humbly pray that they may advise thereof." The conclusion of this matter concerning the bishop, will be found in the proceedings of the lords, under May 30th of this session.

During the time that the whole house sat as a committee, as aforesaid, it was debated and agreed to, that the parties undernamed should be also sent for, to be sworn and examined in this business, viz. Christ. Aubrey, Edw. Egerton, Fra. Jenour, Ralph Merefill, Tristram Woodward, Randolph Davenport. It was also moved and much debated, Whether sir Wm. Broncker and sir Rowland Egerton, the two adversaries of Christ. Aubrey and Edw. Egerton, should be sent for to be examined, whether they gave any bribe on their part.

It was moved by the earl of Southampton and agreed, That an Answer should be sent to my lord chancellor's Letter; whereupon a message was sent to him to this effect: "That the Lords received his Letter, delivered unto them by the lord admiral. They intended to proceed in his cause, now before them, according to the right rule of justice; and they should be glad if his lordship shall clear his honour therein. To which end they pray him to provide for his defence."

Moved by the earl of Suffolk, and much debated, touching the Precedency and Equality of the two Universities, when much was alledged, for the right of precedency, in each of them; but the earl of Suffolk desired only an equality between them; which was ordered to be put to the question to-morrow, after the Subsidy bill was read.

March 20th, P. M. An Answer was brought from the lord chancellor to the Message of the Lords, "That he returned them humble thanks for their assurance of justice in his cause, and well-wishes to him of success. The one secures, the other comforts him. That he intends to put their lordships in mind hereafter of some points contained in his Letter; for that the same were not spoken of in the message delivered unto him."—Sir Geo. Hastings and sir Rd. Young, jurati à voir dire, to all questions, asked by the court, or committee, or by any authorized by the court, whether their answers be by word, or set down in writing. Several witnesses sworn, in the cause of Grievances on the patent for Gold and Silver-Thread. Edw. Egerton was also sworn a voir dire, &c. after which he delivered a Petition touching the Proceedings in his Cause in Chancery; 'cujusquidem tenor sequitur in hæc verba.'

*Mr. Egerton's Petition against the lord chancellor Bacon.*] "To the rt. hon. the Lords Spiritual and Temporal in the present parl. assembled. The humble petition of Edw. Egerton, esq. humbly sheweth, That your petitioner being unmarried, and sickly, by Indentures of Uses, and other Conveyances, entailed divers manors and lands, in the counties of Chester and Stafford, to the use of your petitioner, and the heirs male of his body; and for default of such issue, to remain to sir John Egerton, and his heirs; which said conveyances were voluntary, without any consideration for the same, and with power of revocation.—That sir John Egerton having by deed executed in his lifetime, conveyed all his own lands unto Rowland Egerton, his son and heir; and having advanced in marriage all his daughters, did make his last will and testament in writing, under his hand and seal, having first bound the said Rowland, in a statute of 5000l. to perform his said will.—That the said sir John, by his last will, in general words, devised all his lordships, manors, lands, tenements, and hereditaments, to your petitioner and his heirs, and made your petitioner sole executor. By which said will all the estate of

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the said sir John, in any part of your petitioner's lands, (if he had any estate therein, as indeed he had not) was lawfully devised to your petitioner, and his heirs.—That the said sir Rowland unduly obtained of sir John Bennet, kt. letters of administration, to be granted to two of his sisters, after the said will was exhibited to be proved; whereby your petitioner was put to 2000l. charge in suits of law.—That sir Rowland hath also, by indirect means, got into his hands the said Indenture of Uses, and all your petitioner's other writings and evidences, and refuseth to let him see the said Indentures of Uses, or to deliver to your petitioner a true copy thereof, albeit, in law, the same doth belong to your petitioner.—That the lord Ellesmere, late lord chancellor of England, before the probate of the said will, did decree, That the said sir Rowland should have and enjoy the manors of Urin Hill and Heywood-Barnes, being a great part of your petitioner's inheritance, worth 600l. per ann. with any cause of equity contained in the said decree.—That your petitioner made humble suit unto the right hon. Francis visc. st. Alban, now lord chanc. of England, to have the benefit of a subject to recover his ancient inheritance by ordinary course of law: That the present chancellor took from your petitioner 400l. in gold, and 52l. 10s. in silver plate; which money was accepted from your petitioner, by the chancellor, saying, 'Your petitioner did not only enrich him, but also laid a tye upon him to do your petitioner justice in his rightful cause:' That afterwards the said lord chanc. sent for your petitioner, and did, by great oaths and protestations, draw your petitioner to seal an obligation to his lordship of 10,000 marks, to stand to his lordship's award for all the lands whereof sir John Egerton died seized on; but not for any other of your petitioner's lands.—That afterwards your petitioner was, divers times, sent for by Tho. Sharpeigh, then steward of his lordship's house; and your petitioner was several times offered, That if he would presently pay 1100l. in ready money; that is to say, 1000l. for his lordship, and 100l. for the said Sharpeigh, that then your petitioner would have all his lands decreed unto him; which your petitioner could not then presently pay in ready money.—That afterwards the lord chancellor did not only confirm unto the said sir Rowland, the lands which he then held of your petitioner's inheritance, being worth 600l. per ann. but he did also take away from your petitioner more lands, worth 15,000l. and decreed the same unto the said sir Rowland, who did not make any title thereunto before the said bond was taken, or the decree made. Likewise the lord chancellor did decree, That the said bond of 10,000 marks, made by your petitioner to the said lord chancellor in his own name, should be set over and delivered to the said sir Rowland, who should sue for the same in the lord chancellor's name, and recover on it to his own use.—The lord chancellor did further decree, That your petitioner shall not take the benefit of the statute of 5000l. made by the said sir Rowland, to perform the will; and your petitioner is restrained, by the said decree, from the benefit of a subject to recover his right, by the ordinary course of common law, without any cause of equity set forth in the said decree.—That your petitioner having spent 6000l. in suit at law, and being deprived of all his said evidences, being utterly impoverished by the evil dealing of the said lord chancellor, and by the indirect practices of the said sir Rowland, is likely to be defrauded of all his ancient inheritance, contrary to the common justice of the land, except he be relieved herein by this high court of parl.—Your petitioner humbly prayeth, that the said sir Rowland may be ordered to produce and bring forth, upon oath, all such Indentures of Uses, Writings, and Evidences, as he hath, or any other hath to his use, concerning your petitioner's said lands, and whereby he claimeth any estate in the lands, to the end your honours may judge thereof, and do therein further, as to your wisdoms, shall seem to stand with justice."

After this Petition was read, mr. Egerton affirmed upon his oath, that the contents of it were true; and he was afterwards examined further in open court. Rob. Sharpeigh, esq. Randolph Davenport and Christ. Aubrey, were also sworn and examined.

March 21. At the request of mr. Egerton, 3 more witnesses were sworn and examined in his Cause: and many more witnesses offering themselves to be sworn, in the Cause against the Lord Chancellor, 3 several committees of the Lords were appointed, with a judge, or an eminent counsel, to attend each, to take Examinations, in order to expedite the Cause. Special caution was given them, that no one should be urged to accuse himself.—A Message was brought from the Commons by sir Thos. Edmonds, and others, "That the Commons acknowledge, and take in good part, the great respect between the two houses in all causes of this parl. To answer which, they are well pleased, that the Lords of this Court may examine any members of their house, who will freely offer themselves to their lordships for that purpose." At the same time he added, "That they had sent to their lordships a bill against Relators, Informers, and Promoters; and, especially, commended the good success and expedition of it; because they did conceive it would give great content to the country." Which bill was read a first time, notwithstanding the order of the house of the 15th inst. Fran. Joyner, Ralph Merefill, and John Churchill, were sworn, as witnesses in the Chancellor's cause.

March 21, P. M. Sixteen more witnesses were also sworn against the Chancellor; and as the examination of all these witnesses would take much time, it was agreed that the committees should transmit the names of the principal of them, and the heads on which they were

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to be asked: the examinations to be taken in open court.

*The Form of the Oath agreed on.*

"You shall swear that you shall true Answer make to all such Questions and Interrogatories as shall be mentioned unto you by this High Court, or by the Lords of the Committees, or by any person or persons, authorized by this high court. You shall say the truth, the whole truth, and nothing but the truth; and you shall not spare to do so, neither for fear, favour, or affection, or any other cause whatsoever, whether your depositions be in writing, or by word of mouth. So help you God, and the Contents of this Book."

*Interrogatories to be ministred to them that shall be sent to be examined in open Court.*

"1. Whether they, by themselves, or any other person, have given money, or any other gratuity, to the lord chancellor, or to any servants, friends, or followers of his? 2. Whether they have advised or directed any to do so, or know of any other that hath so done? 3. Whether they, or the parties which they advised so to do, or have heard so to have done, had then any cause or suit depending before him, or intended to have any. 4. Whether they have intended, attempted, or known others that have attempted, or contracted for any gratuity to be given, though not performed?"

Sir Geo. Reynel delivered, in writing, his account of the Bribes given by him to the lord chancellor; which he also confirmed by oath.—Ordered, That no witnesses be examined as to what they received themselves; but only what Bribes were given to the chancellor. Several other witnesses were examined, and their depositions taken in writing, on oath.

March 22. The lord chief justice related a Message, delivered yesterday from the Commons by sir Rob. Philips, and others; which consisted, he said, of two points, the one matter of Respect, the other of Substance.—In the first they acknowledged the good correspondence between both houses, especially in the Examination of the Grievances complained of, and presented to the Lords; with humble thanks for the support the Lords added to their labours, in giving the oath to the examinants; which they could not do. They humbly desire to know the time of the recess of this parl. and of the access again, that they may depart accordingly, and meet at the same time with their lordships. The 2nd thing being Matter of Substance, consisted of 4 points against the lord chancellor. "The 1st, a Suit in Chancery, being between the lady Wharton, plaintiff, and Wood, with others, defendants, upon cross-bills. The chancellor, upon hearing, wholly dismissed them; but, upon the entry of the order, the cross-bill against the lady Wharton was only dismissed; and, afterwards, for a Bribe of 300l. given by the lady Wharton to the lord chancellor, his lordship decreed the cause for her; and then hearing that Wood, and the other defendants, complained thereof to the Commons, his lordship sent for them, and damned that Decree as unduly gotten; and when the lady Wharton began to complain thereof, his lordship sent for her also, and promised her redress, and said, 'That the Decree was not yet entered.'—In a Suit, between one Hull, plaintiff, and Holman, defendant; Holman, deferring his Answer, was committed to the Fleet, where he lay 20 weeks; and, petitioning to be delivered, was answered by some about my lord chancellor, That the bill should be decreed against him, pro confesso, unless he would enter into 2000l. bond to stand to the lord chancellor's order; which he refusing, his liberty cost him, one way or other, better than 1000l. Holman being freed out of the Fleet, Hull petitioned the lord chancellor; and Holman, finding his cause to go hard on his side, complained to the Commons: whereupon the lord chancellor sent for him, and, to pacify him, told him he should have what Order he pleased himself.—In another Cause between Smithwick and Wyche, the matter in question being for Accounts, the merchants, to whom it was referred, certified on the behalf of Smithwick; yet Smithwick, to obtain a Decree, was told by one Mr. Burrough, one near the lord chancellor, that it must cost him 200l. which sum he paid to Mr. Burrough, or Mr. Hunt, for the use of the lord chancellor, and yet he decreed but one part of the certificate; whereupon he treats again with mr. Burrough, who demanded another 100l. which Smithwick also paid for the use of the lord chancellor. Then his lordship referred the Accounts again to the same merchants, who certified again for Smithwick; yet his lordship decreed the second part of the certificate against Smithwick; and the first part, which was formerly decreed for him, his lordship made doubtful. Smithwick petitioned the chancellor for his money again, and had it all, save 20l. kept back by Hunt for a year."

The Lord Chief Justice delivered also 3 petitions to their lordships, received yesterday from the Commons; the first from the lady Wharton, the next from Wood and others, and the third from Smithwick.—The 4th part of the Message consisted only of Instructions, delivered to the Commons by one Churchill, a register, containing divers Bribes and Abuses in Chancery; which they desire may be examined.

Four more witnesses delivered into the Lords their despositions, on oath, against the Chancellor, in writing, and signed by their own hands. One of which, Wm. Peacock's, being observed not so full as yesterday, he was asked if he had spoke with some of the lord chancellor's servants since that time: which he owned he had: upon which he was ordered to write his deposition over again, and add the substance of that conference.

*Report from the Committee on Grievances.*] It was now that the proceedings against the Lord Chancellor met with some stop, by the Lords, in the several committees appointed to



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enquire into the other Grievances complained of, by the Commons bringing in the accounts of their progress in them.

The *Lord Chamberlain*, one of the committee appointed to enquire into the Grievances of the Patent concerning Inns and Hostelries, reported, "That in the said Patent were three things considerable: 1st, the legality of it granted to Mompesson; but in that the committee had no power to judge. Next the inconvenience. Lastly, the abuses in the execution. That the inconvenience appeared in the patent, where the judges are made subject to a base of fee 5s.; and, in the execution, because that sir Giles Mompesson affronted the justices of the peace, and threatened several of them with the council-table. And, because there were certificates sent him, from time to time, of those Alehouse-keepers, who were suppressed for ill behaviour, he made this use of it, to make them Inn-keepers. That he granted licences to divers base fellows to keep Inns; and sued out processes against 4000, for keeping Inns without licence, and for the price of horse-meat, of which he only tried two suits. Lastly, his lordship delivered a collection of the several abuses and the proofs of them."

The Earl of *Arundele* reported, "That the consideration of the Grievances by the Patents of sole Manufacturing Gold and Silver-Thread, complained of, being committed to his lordship and other lords joined with him in committee, That they had often met, the business being attended with great difficulty and consisted of many particulars. That they had examined many witnesses, and more were produced who were fit to be examined, if the time of recess was not so near at hand. The Lords Committees have thought good to present to the house those proofs they have made, not to delay the time; but their lordships were not to be excluded from giving further proofs hereafter.—His lordship observed, That the Committee dealt, chiefly, with the execution, not with the legality of these patents. They found in the execution thereof, that the authority given by these patents, which ought to have been rarely used, was used by them familiarly, to the undoing of thousands. That the warrants dormant, to seize and imprison, &c. exceed all kinds of warrants; of which there are three, and one of them is without date and razed; and the other hath a date by a new hand. That sir Giles Mompesson committed divers to prison, without examination, which they could not do by that warrant. Several were threatened with imprisonment. That one Fowlis did lock up divers in his own house. That several houses were violently broke up and the parties goods seized. That others were compelled to enter into bonds, not to exercise their own trade and to stand to their orders; and to make oath what quantity of Gold and Silver-Thread they sold, and to whom. That sir Giles confessed divers of these wrongs, and made restitution unto many. That this work of Gold and Silver-Thread was much sophisticated, since the grant of the sole manufacture thereof. He further declared, That the Lords Committees urged none to accuse himself, and admonished every man not to accuse another out of passion. He desired, That though sir Giles be fled, yet that Fowlis and other delinquents may be heard here, what they can say in their own defence."

The Earl of *Southampton*, one of the committee to consider of the Grievances complained of for Concealments, reported to the house, "That they find his maj. to be much abused in the pretence and execution of this grant. They find that sir Giles Mompesson obtained a commission to himself, to call all officers before him; by virtue whereof he fetched up, from all parts, the king's officers, and kept them here to fill his book, granted unto him of 200l. per ann. on concealed lands, in recompence of his service. The proceedings, warrants, and the abuses in the execution, are all set down in the declaration, delivered by the Commons. Their lordships labour was to look into these informations, wherein they desired the help of divers gentlemen of the Lower House; who, not as members of that house, but as private gentlemen and friends, gave their lordships full satisfaction therein. In this search, they found proofs of every point, set down in the said declaration; and, for their more full satisfaction, they reviewed the Records themselves, wherein they found some proceedings, not mentioned in the declaration, and not warranted by any commission, viz. 1. Process used by George Geldard, sir Giles Mompesson's agent, in the king's attorney's name; the said Geldard confessing to one and but one. 2. Sir Giles used Geldard and his man as his agents; Geldard to be Commissioner and Geldard's man to be his clerk. Their lordships found likewise, That Geldard's man gave the evidence to the Jury, and, though the jury found an imperfect verdict, yet Geldard proceeded as upon a perfect one. That Geldard compounded with divers who were questioned for their lands, as concealed, and employed those parties, as commissioners, for their own compositions. That they set down in their book an Advowson and a Rectory at 4d. per ann.; and lands, called Pease Marsh, at 10s. a year; which was affirmed by sir Geo. Moore, the tenant to it, to contain 700 acres, and to be better worth than 300l. a year. That there was no time limited to sir Giles to fill up his book; whereby, his vexing the subject, to fill the same, might continue 7 years. Lastly, their lordships conceived, That as his maj. had been abused in the Grant and in the Execution of it, so he should also have been in the end."—After this last Report was ended,

The Lord Admiral *Buckingham* stood up and moved the house, "That care might be taken hereafter, that the sophistication of the manufacture of Gold and Silver-Thread be prohibited; and none be permitted to work thereon, to waste and consume the bullion of

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the land. He commended the trade that set so many thousands on work; and, if order was first taken for bringing in bullion, and against the sophistication, it might be gainful both to the king and commonwealth; and to new patentees, if another patent thereof should be thought fit. He shewed further, "that the motive for the grant of Concealments was, that sir Giles Mompesson offered his service to consider how the multitude of officers in the exchequer might be cut off. In which his maj. first asked the opinion of the Judges; and his maj.'s pleasure was not to prejudice any officer, during his life, but to provide for the future; which was, and yet is, his maj.'s resolution to do; in consideration whereof, this Patent of Concealments was first granted to the said sir Giles. It was ill foreseen, that a man of his corrupt disposition should be admitted to view the Records, which he might embezzle, blot or raze out for his own profit; but, at that time, sir Giles had the reputation of an honest man. That sir Giles had abused this grant many ways, but, as yet nothing was past under seal. That the abuso, partly, grew out of this, that sir Giles had compounded with one Geldard for the same, who, to make his best commodity thereof, put into the book matters of great value at small rates; which, when his lordship heard of, he rebuked sir Giles and willed him to look to it, and not to suffer any thing to be past but what the chanc. of the exchcq. should first allow of. That, thereupon, the said sir Giles, in the hearing of his lordship, delivered his book to mr. Chancellor to be viewed, and whatsoever he thought good to be put out. Lastly, though much was intended to the prejudice of his maj. and the subject, yet nothing was past."—When the minister had ended his speech, a motion was made and agreed to, "That, although the Proofs given before the Lords against sir Giles Mompesson and others his agents, for their misdemeanors, were good and manifold, yet, their lordships will hear the parties themselves what they can say in their own defence. But, because Easter is drawing on, and the time of recess very near, in which short space all the delinquents cannot be heard and proceeded against; it was further agreed, That a collection be made of all the proofs, concerning sir Giles only; which being read to the house, the Lords would proceed to sentence sir Giles, though absent; for that his flight is an eviction in law: and for that the expectation thereof is great as well as the grievance, therefore the proceedings should be with expedition, that the whole kingdom might hear of the Punishment imposed upon Delinquents, by this parl. as well as of the granted Subsidies.

A debate arising, in what manner to proceed against the said sir Giles, whether by Indictment in that house, or otherwise? And there being some confusion amongst the Speakers, the Prince of Wales, who constantly attended this business morning and afternoon, made a motion, "That by the ancient Orders of the House, no lord was to speak twice, though to explain himself, except some other lord mistake his meaning in any part of his speech." This was commanded to be entered, and ordered to be observed.

On a motion of the earl of Arundele, the house was adjourned, ad libitum, and the lord chief justice left his seat, as lord chancellor. Then it was debated, What course should be taken with Matthias Fowlis, George Geldard, and other delinquents, committed by the Lower House, and sent by them to be examined by the Lords; and many foul abuses proved against them. Likewise concerning sir Fra. Mitchell, whom the Lower House had first committed for a contempt against them, and is also found guilty of many great misdemeanors, relating to the patent of Gold and Silver-Thread. But nothing was then resolved on; and the chief justice returning to his seat, as chancellor, a message was sent from the Lords to the Lower House, to desire they would please to present themselves this afternoon, with their Speaker, to hear his maj.'s commission read for the royal assent to the two Subsidy bills: also, to acquaint them, that the Lords had agreed the recess from parl. this time, to be on Tuesday next; but that the Lords do leave the time for access again, to the consideration of the Commons: and further, to let them know that the Lords are very careful to expedite the bill against Promoters, which was so earnestly commended unto them. Which bill had been once read, but, because the time of the recess is so near, their lordships intend to spend this interval in proceeding to sentence sir Giles Mompesson only. Lastly, their lordships desire a Conference with them, about the safe keeping or bailing of Matthias Fowlis, George Geldard, and other delinquents, committed by them of that house; and that they come prepared to give their lordships satisfaction therein." Answer returned, "That the Commons agreed to all these propositions of the Lords; would come prepared for the Conference that afternoon; and give them an answer to every thing."

March 22, p. m. The Speaker of the Commons being sent for in, and come to the bar, the lord chief justice delivered to the clerk the king's commission, signed by his maj. and under the great seal, with the two acts of Subsidies annexed to it. Which commission being read, the Commons withdrew.—The Lords being to meet the other house in the Painted Chamber, the earl of Dorset acquainted their lordships, "That he was informed by several gentlemen of the Commons, that the message sent them in the morning was wholly mistaken in the delivery of it. On which another message was sent to the same purport, by other messengers, in order to explain the former."—On the return from the Conference, the lord treasurer made the report of it to the Lords, that the Commons render their lordships humble thanks for their

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hon. and respectful entertainment; with hearty thanks to Almighty God for the great and good unity between the two houses. That whereas their lordships had left the time of access again to parl. to be resolved on by them; they, upon serious deliberation, have agreed the same to be on the 17th of April next. That they refer unto their lordships the bailment or commitment of Matthias Fowlis, Geldard, and other prisoners, by them transmitted to their lordships. But their opinion is, if it may so stand with their lordships pleasure, that a goal is the best bail for them. And, as for sir Fra. Mitchell, though he be by them committed prisoner to the Tower, yet he is left to their lordships determination."—After some debate on what should be done with those prisoners, it was ordered, That Fowlis and Geldard should be committed close prisoners to the Fleet; with a special charge to the warden for their safe custody: and a warrant was made out by the clerk of parl. accordingly.

*Further Proceedings in the Lord Chancellor Bacon's Cause.*] March 23. It was agreed, "That the two former committees, or any two lords of either of the said committees, be appointed to examine witnesses, in the Chancellor's Cause, from time to time, between the recess and access of parl."—Edw. Egerton, esq. presented a Petition, praying, "That sir Rowland Egerton be ordered forthwith to produce, upon oath, certain indentures and writings gotten unduly from the petitioner. Upon a motion of the lord Sheffield, the said petition was ordered to remain with the clerk, until the corruption and bribery complained of, be determined; and then the lords would take it into their consideration."

On a motion of the earl of Arundele, who acquainted the house, "That the lords committees being ordered to examine none to accuse themselves, they had taken only the declaration of Tho. Norton Gervase Unwen, and Anthony Berry, touching the Patentees of Gold and Silver; it was ordered, That the said persons should be now examined concerning sir Giles Mompesson only."

Sir Ralph Hansby being sworn in the Lord Chancellor's Cause, the earl of Southampton shewed, "That the said sir Ralph being examined by his lordship and others, concerning a Bribe of 500l. given by himself to the lord chancellor, he made a doubt whether his Answer thereunto might not be prejudicial to his cause; wherefore, their lordships resolution herein was required, Whether the said sir Ralph should be urged to make his Answer or not?" After long debate of this matter, it was ordered, "That the Examinations, taken in this court, should not be hereafter used in any other cause, or in any other court. And although divers of the Lords were of opinion, That the party's confession of the giving of a bribe could not be prejudicial at all to him, yet others doubted thereof. Therefore, it was put to the question, Whether the said sir Ralph should be examined what gift or reward he had given to the Lord Chancellor, and it was agreed he should be examined in that form only."

The earl of Huntingdon, one of the committee appointed to search Precedents of sentences, &c. reported, "That they had searched the records, and the earl of Warwick read the heads of several precedents, and then delivered the notes taken out of the records, and signed by the officers, to be kept by the clerk.—The collection of sir Giles Mompesson's offences, touching Inns and Hosteries, and the proofs thereof, were read, with the patent and commission concerning the same.

*The King's Speech to the Lords.*] March 26. The king came to the House of Lords, the peers being all in their robes, and the Prince with his coronet on his head; the earl of Oxford, as lord great chamberlain, bearing his white staff, and the earl of Montgomery the sword. His maj. being seated on the throne, made the following Speech to the Lords only:

"My lords, The last time I came hither, my errand was to inform you (as well as my memory could serve me, of things so long passed) of the verity of my proceedings, and the cautions used by me in the passing of those Patents, which are now in question before you; to the effect, that they might not be abused in the execution: and this I did by way of declaration. But now I am come (understanding the time of your censure to draw near) to express my readiness to put in execution (which is the life of the law) those things, which ye are to sentence (for even the law itself is a dead letter without execution) for which office God hath appointed me in these kingdoms. And though I assure myself, that my former behaviour, in all the course of my life, hath made me well known for a just king; yet in this special case I thought fit to express my own intentions, out of my own mouth, for punishment of things complained of. The first proof whereof I have given by the diligent search I caused to be made after the person of sir Giles Mompesson, who though he were flea, yet my Proclamation pursued him instantly: and as I was earnest in that, so will I be to see your sentence against him put in execution.—Two reasons move me to be earnest in the execution of what ye are to sentence at this time: first, that duty I owe to God, who hath made me a king, and tied me to the care of govt. by that politic marriage betwixt me and my people. For I do assure you in the heart of an honest man, and by the faith of a christian king (which both ye and all the world know me to be) had these things been complained of to me before the parl. I would have done the office of a just king; and out of parl. have punished them as severely, and peradventure more, then ye now intend to do.—But now that they are discovered to me in parl. I shall be as ready in this way, as I should have been in the other. For (I confess) I am ashamed (these things proving so, as they are generally reported to be), that it was not my

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good fortune to be the only author of the reformation and punishment of them, by some ordinary courts of justice. Nevertheless, since these things are now discovered by parl. which before I knew not of, nor could so well be discovered otherwise, in regard of that representative body of the kingdom, which comes from all parts of the country: I will be never a whit the slower to do my part for the execution. For, as many of you that are here have heard me often say, so I will still say: so precious unto me is the public good, that no private person whatsoever, where he never so dear unto me, shall be so respected by me, by many degrees, as the public good, not only of the whole commonwealth, but even of any particular corporation that is a member of it: and I hope that ye, my lords, will do me that right to publish to my people this my heart and purpose.—The 2nd reason is, That I intend not to derogate or infringe any of the liberties or privileges of this house, but rather to fortify and strengthen them. For never any king hath done so much for the nobility of England as I have done, and will ever be ready to do. And whatsoever I shall now say or deliver unto you as my thought, yet when I have said what I think, I will afterwards freely leave the judgment wholly to your house. I know ye will do nothing, but what the like hath been done before: and I pray you be not jealous, that I will abridge you in any thing that hath been used. For whatsoever the precedents in times of good govt. can warrant, I will allow. For I acknowledge this to be the supreme court of justice, wherein I am ever present by representation. And in this ye may be the better satisfied by my own presence, coming divers times amongst you: neither can I give you any greater assurance, or better pledge of this my purpose, than that I have done you the honour to set my only son among you; and hope that ye with him, shall have the means to make this the happiest parliament that ever was in England. This I profess, and take comfort in, that the Commons at this time have shewed greater love, and used me with more respect in all their proceedings, than ever any house of commons have heretofore done to me, or (I think) to any of my predecessors. As for this house of yours, I have always found it respective to me; and accordingly do I, and ever did favour you as ye well deserved. And I hope it will be accounted a happiness for you, that my son doth now sit amongst you, who, when it shall please God to set him in my place, will then remember that he was once a member of your house; and so be bound to maintain all your lawful privileges, and like the better of you all the days of his life. But, because the world at this time talks so much of Bribes, I have just cause to fear, the whole body of this house hath bribed him to be a good instrument for you upon all occasions: he doth so good offices in all his reports to me, both for the house in general, and every one of you in particular. And the like I may say of one that sits there. (Buckingham) He hath been so ready upon all occasions to do good offices, both for the house in general, and every member thereof in particular. One proof thereof, I hope my lord of Arundell hath already witnessed unto you, in his report made unto you of my answer, touching the privileges of the nobility, how earnestly he spake unto me in that matter.—Now, my lords, the time draws near of your recess: whether formality will leave you time for proceeding now to sentence against all, or any the persons now in question, I know not. But for my part, since both houses have dealt so lovingly and freely with me, in giving me, as a free gift, two Subsidies in a more loving manner than hath been given to any king before, and so accepted by me; and since I cannot yet retribute by a general pardon, which hath by form usually been reserved to the end of a parl.: the least I can do (which I can forbear no longer) is to do something in present, for the good and ease of my people.—Three patents at this time have been complained of, and thought great Grievances: 1. That of the Inns and Hosteries. 2. That of the Alehouses. 3. That of Gold and Silver Thread. My purpose is to strike them all dead, and (that time may not be lost) I will have it done presently. That concerning the Alehouses, I would have to be left to the managing of the justices of peace, as before. That of Gold and Silver Thread was most vilely executed, both for wrongs done to men's persons, as also for abuse in the stuff; for it was a kind of false coin. I have already freed the persons that were in prison: I will now also damn the patent: and this may seem instead of a pardon. All these three I will have recalled by proclamation, and wish you to advise of the fittest form for that purpose.—I hear also that there is another bill amongst you against Informers: I desire you, my lords, that as ye tender my honour, and the good of my people, ye will put that bill to an end so soon as ye can; and at your next meeting to make it one of your first works. For I have already shewed my dislike of that kind of people openly in Star Chamber; and it will be the greatest ease both to me, and all those that are near about me at court, that may be. For I remember, that since the beginning of this parl. Buckingham hath told me, he never found such quiet and rest, as in this time of parl. from projectors and informers, who at other times miserably vexed him at all hours.—And now I confess, that when I looked before upon the face of the govt. I thought (as every man would have done) that the people were never so happy as in my time. For even, as at divers times I have looked upon many of my coppices, riding about them, and they appeared on the outside very thick, and well grown unto me: but when I entered into the midst of them, I found them all bitten within, and full of plains and bare spots; like an apple or pear, fair and smooth without, but when ye cleave it asunder, ye find it rotten at the heart: even so this kingdom, the external govt. being as good as ever it was, and I am sure as learned judges as ever it had

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(and I hope as honest) administering justice within it; and for peace, both at home and abroad, I may truly say, more settled, and longer lasting, than ever any before, together with as great plenty as ever: so as it was to be thought, that every man might sit in safety under his own vine, and his own fig-tree: yet I am ashamed, and it makes my hair stand upright, to consider, how in this time my people have been vexed, and polled by the vile execution of projects, patents, bills of conformity, and such like; which, besides the trouble of my people, have more exhausted their purses, than subsidies would have done.—Now, my lords, before I go hence, since God hath made me the great judge of this land under him: and that I must answer for the justice of the same: I will therefore (according to my place) remember you of some things, though I would not teach you. For no man's knowledge can be so good, but their memories will be the better to be refreshed. And now because ye are coming to give judgment, all which moves from the king, that you may the better proceed, take into your care two things: 1st, to do 'bonum,' 2ndly, next to do it 'benè.' I call 'bonum,' when all is well proved, whereupon ye judge, for then ye build upon a sure foundation: and by 'benè' I understand, that ye proceed with all formality and legality: wherein you have fit occasion to advise with the judges, who are to assist you with their opinions in cases of that nature; and woe be to them, if they advise you not well. So the ground being good, and the form orderly, it will prove a course fitting this high court of parl.—In sentence ye are to observe two parts: 1st, to recollect that which is worthy of judging and censuring: and 2ndly, to proceed against these, as against such like crimes properly. We doubt there will be many matters before you, some complained of out of passion, and some out of just cause of Grievance. Weigh both: but be not carried away with the impertinent discourses of them, that name as well innocent men, as guilty. Let your judgments only take hold of the guilty: proceed judicially, and spare none where ye find just case to punish: but let your proceedings be according to law. And remember, that laws have not their eyes in their necks, but in their foreheads. For the moral reason of the punishment of vices, in all kingdoms and commonwealths, is, because of the breach of laws standing in force; for none can be punished for breach of laws by predestination, before they be made.—There is yet one particular, which I am to remember you of, I hear that sir Henry Yelverton (who is now in the Tower, upon a sentence given in the Star Chamber against him, for deceiving my trust) is touched concerning a warrant dormant, which he made while he was my attorney: the which my lord treasurer* here, refused to set his hand unto, like an honest man, when it was brought unto him. I protest, I never heard of this warrant dormant before, and I hold it as odious a matter, as any is before you: and if, for respect to me, ye have forborn to meddle with him in examination, because he is my prisoner; I do now here freely remit him unto you, and put him into your hands.—And this is all I have to say unto you, at this time; wishing you to proceed justly and nobly, according to the orders of your house: and I pray God to bless you: and ye may assure yourselves of my assistance; wishing that what I have said this day, amongst you, may be entered into the Records of this house."

The king having ended his speech, the Lords conceived so much joy thereat; that they ordered the whole house to go to him, at one in the afternoon, with their most humble thanks for it.

*Further Proceedings in the Trial of sir G. Mompesson.*] The collection of Offences and Abuses, committed by sir Giles Mompesson, in the 3 patents which were granted to him, being all read: it was resolved by the whole house, "That it did appear to the Lords, and they were fully satisfied, sir Giles Mompesson had erected a court without warrant; and, also, that he imprisoned the king's subjects and exacted bonds from them by threats, without warrant; and, afterwards, by undue practices, procured a proclamation and other warrants to colour such his doings. And yet that he executed all these ills, and seized the goods of divers persons, contrary to such authority, so unduly procured by him. That he neither paid the 10l. reserved rent to the king, nor brought in the 5000l. of bullion yearly, as he pretended and covenanted to have done. And that all his other offences and abuses had been fully proved against him." Hereupon it was agreed, "That the Lords would give sentence against sir Giles, in their robes, in the afternoon. The lord admiral, Buckingham, desired to be excused if he should be absent; but he gave his assent to their lordships censure of the said sir Giles; affirming, That he had highly abused the king, and also himself, more than any other lord of that house."

March 26, p. m. The whole house met again. The Lords were in their robes, in order to give sentence against the offender, it was much debated first, amongst them, what punishment sir Giles deserved for his high crimes: and, because the punishment inflicted heretofore on Empson and Dudley was much spoken of, the Lords desired to hear their indictments. The indictment of Rd. Empson, taken at Northampton, 1 Hen. VIII. was read; by which it was observed, that the said Empson was indicted for treason against the king. The attorneys general also certified to their lordships, that Dudley was indicted, in London, for treason. But to the end that these matters might be more freely discussed, and what punishment was fit to be inflicted on the offender, the house adjourned 'ad libitum;' when, after a

* Henry Montagu, viscount Mandeville. He had been before lord chief justice of England. See his remarkable speech upon the Supply, anno 1601. p. 921.

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long debate, the lords agreed upon a Judgment against sir Giles: the earl of Arundel observing, that their lordships might proceed against him hereafter, if more matter, or matter of a higher nature, was found out.—Accordingly a Message was sent from the Lords to the Commons, "That if they and their Speaker, according to the ancient custom of parliaments, come to demand of the lords, that judgment be given against sir Giles, for the heinous offences by him committed, they shall be heard: also that the Lords desire a conference with them, in the Painted Chamber, to-morrow morning." Answer returned, "That they would come to demand judgment; and that they agreed to the conference."—In the mean time the lord treasurer reported, "That, according to the order of the house made this morning, the Prince's highness, accompanied with many lords, did present unto his maj. most humble thanks for his maj.'s most gracious Speech to the Lords that morning; which thanks, with the manner of presenting the same, was most joyfully accepted by him, as he expressed in many kind and favourable words; adding, "That the Lords had taken the right way to catch a king, by speaking to him by his son."

*Judgment against sir G. Mompesson.*] The knights, citizens, and burgesses of the House of Commons, with their Speaker, being come up to the bar, the Speaker repeated the last message which the lords had sent unto them, and said, "The Commons, by me, their Speaker, demand judgment against sir Giles Mompesson, as the heinousness of his offences doth require."

The *Lord Chief Justice*, as Speaker of the house of peers, answered: "Mr. Speaker, the Lords spiritual and temporal have taken knowledge of the great pains the Commons have been at, to inform their lordships of many Complaints brought unto them against sir Giles Mompesson, and others, whereof their lordships received several instructions from them; and, thereupon, proceeding by examination of divers witnesses upon oath, they find sir Giles, and several others, guilty of many heinous crimes against the king's maj. and against the commonwealth.—Time will not permit their lordships to deal with all the offenders now; therefore they proceed to give Judgment against sir Giles, according to your demand; and, hereafter, their lordships will proceed against the other offenders. The Judgment of the lords against the said sir Giles is, And, the Lords spiritual and temporal of this high court of parl. do award and adjudge, 1. That sir Giles shall, from henceforth, be degraded of the Order of Knighthood, with reservation to his wife and children; the ceremonies of degradation to be performed by direction of the earl marshal's court, whensoever he shall be taken. 2. That he shall stand perpetually in the degree of a person outlawed for misdemeanors and trespasses. 3. That his testimony be received in no court; and that he shall be of no asssize, inquisition, or jury. 4. That he shall be excepted out of all general pardons to be hereafter granted. 5. That he shall be imprisoned during life. 6. That he shall not approach within 12 miles of the courts of the king or prince, nor of the king's high courts usually holden at Westminster. 7. That the king's majesty shall have the profits of his lands for life, and shall have all his goods and chattels as forfeited; and he shall undergo fine and ransom, which their lordships assess at 10,000l. 8. That he shall be disabled to hold or receive any office under the king, or for the commonwealth. 9. Lastly, That he be ever held an infamous person."

*Order for Observance of 26th of March.*] March 27. Moved for by divers lords, agreed on, and ordered, "That in respect of his majesty's most gracious Speech, made here on the 20th of March, the same day shall be, yearly, a sermon day throughout all England, especially at Westminster; and all the lords then in town to resort unto it." Ordered further, and decreed, "That in all future parliaments, the Lords shall sit in their robes on the 26th of March, 'in perpetuam rei memoriam.'

*The King adds to Mompesson's Sentence.*] The lord admiral delivered his maj.'s hearty thanks to the Lords, for their sentence given yesterday against Mompesson, it being so just, and yet moderate, in respect of the heinousness of the offence. And said, That the king, out of regard to his people and detestation of the said crimes, is pleased, ex abundante, to inflict perpetual banishment on the said Mompesson, out of all his maj.'s dominions.

The Commons being ready in the Painted Chamber, for the conference; before the Lords went to them, the lord treasurer first reported the heads of what he was to deliver, by direction from the house. "To make a short recital of his maj.'s gracious speech here yesterday. His maj.'s good allowance and approbation of the sentence given against Mompesson; and that, out of his grace and favour to the people, he had added, to the punishment, perpetual banishment. That the lords of this house yesterday presented, by the prince, their humble thanks unto his maj. for his said speech to their house; which was well accepted of. To let them know that the lords did consider of the precedents for Empson and Dudley; but found they did not concur with this case of Mompesson they being both indicted for treason."—The conference being over, it was ordered, That the whole Proceedings against Mompesson, should be drawn up by the king's council, perused by a committee of lords appointed for that purpose, and entered in the records of parl.

Then the Lords sent a message to the Commons to know if they had any other business for them, because they did not intend to sit in the afternoon; if not they wished them all happiness in their departure and return. *Ans.* "That the Commons have received the noble message, sent by their lordships to them;

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for which they gave them most humble thanks that they also cease from business this morning. They acknowledge the great and good respect between the two houses, which hath been more this parl. than ever; and that they, for their parts, will endeavour to continue it: and so they wish all honour and prosperity to their lordships."—It was also ordered, That each earl and viscount should pay 40s. and each bishop and baron 20s. the proxies to pay for the absent lords; which money was to be distributed amongst some gentlemen employed by the committee, in searching records for parliamentary precedents; which were to be transcribed in parchment, and safely kept.—Three particular Committees of Lords appointed to take examinations in the Lord Chancellor's Cause, during the recess of parl. After which both houses adjourned to the 17th of April.

*Further Proceedings in the Case of Lord Bacon and sir Edw. Villiers.*] April 17. The Lords met; when the first thing that was done, was to read, a 2d time, a bill against certain troublesome persons, commonly called Relators, Informers, and Promoters; and it was committed. When this was over, the lord chamberlain acquainted the house, "That, in the interim of the cessation, the Lord Chancellor Bacon had been an humble suitor to his maj. that he might see and speak with him. And although his maj. in respect to the Lord Chancellor's person, and of the place he held, might have granted his lordship that favour; yet, for that his lordship was under the trial of this house, his maj. would not, on the sudden, comply with his request." That on Sunday last the king called all the lords of this house, which were of his privy council, before him; and demanded their lordships advice what was best to be done in that affair. The lords did not presume to advise his maj. because he himself did, suddenly, propound such a course, as the world could not advise a better; which was, to speak with the chancellor privately. That yesterday his maj. admitted the lord chanc. to his presence. His lordship desired that he might have a particular of those matters, wherewith he was charged before the lords of this house: for it was not possible for him, who passed so many orders and decrees in a year, to remember all things which fell out in them; and that, this being granted, his lordship would make two requests to his maj. "1st, That when his Answers should be fair and clear to those things objected against him, his lordship might stand upon his innocency. Next, That where his Answers should not be so fair and clear, then his lordship might be admitted to an extenuation of the charge: and where the proofs were full and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the Lords." Unto all which his maj. answered, "That he would refer him to the lords of this house; and therefore his maj. desired that he, the lord chamberlain, would make report thereof to them." It was thereupon ordered, That the lord treasurer should acquaint his maj. with their thankful acknowledgment for this his favour, and that they held themselves highly bound to his maj. for it.

The lord admiral, *Buckingham*, in a speech made to the lords this day, protested to them, "That whereas it was the opinion of the world he had sent his brother, sir Edward Villiers, abroad, in the king's service, on purpose to avoid his trial, touching some grievances complained of by the Commons: his lordship was so far from it, that he had sent to hasten his coming home; and if any thing blame-worthy could be objected against him, his lordship was as ready to censure him as he was Mompesson. He desired that the consideration of his brother's affair might be expedited; for, although he was a member of the lower house, his lordship advised him not to go there till he had cleared himself here. Lastly, his lordship requested, that the said sir E. Villiers might come to his accusation, for so he should gain the greater honour; his lordship not doubting but that he could well clear himself from it."—On this several lords stood up, and declared their opinion, "That sir Edw. Villiers might go to the lower house: that the said sir Edw. is only named *obiter*, or, according to the French phrase, *en passant*, in the accusation against Mompesson and others; but, as yet, he was not accused of any particular offence by him committed."

The serjeant at arms, attending the house, by warrant, was ordered to go to the fleet, and bring Matthias Fowlis to the bar by nine the next morning. Also, that the lord chief justice should grant a special warrant to the lieutenant of the Tower, to bring sir Henry Yelverton and sir Francis Mitchel before their lordships at the same time.

*Articles of Charge against Sir H. Yelverton with his Answers.*] April 18. The house adjourned themselves into a committee, to debate and settle in what manner to proceed against sir Henry Yelverton, then attorney general, and, being agreed, the chief justice resumed his place. Sir Henry was then brought to the bar; where, kneeling till he was bid to rise, the chief justice read the charge against him; unto which sir Henry made the following particular answers. "*Charge* I. That he committed divers persons for refusing to enter into bonds to restrain their own trade, &c. before he had any authority to require any such bonds. *Response.* He confessed that he committed divers to prison, and justified the same. That he committed none to restrain them of their trades, but for their stubbornness in not obeying the king's commands; which he did to advance the lawful profit of his master; and that he had authority to do it.—II. That he first signed and directed the warrants, dormant, having no authority for the same, and yet containing many unwarrantable clauses. *Resp.* He drew one, and first signed it; but no clause unwarrantable was in that, and he justified it: for the others, he neither denieth nor confesseth;

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he remembers not whether he drew them or no.—III. That he advised the patent of Gold and Silver-Thread to be resumed into the king's hands, conceiving the same to be a monopoly; and advised the patentees to proceed by contract with the king. *Resp.* He advised not this alone; he was the weakest amongst many that advised the contract; he denied that he conceived it to be a monopoly, and doubts not but to prove it to be no monopoly; he denied that he confessed any such thing to the Commons; he denied his advice to the contract to colour a monopoly; he did it in duty to the king.—IV. He procured a proclamation to take bonds, and signed a docquet, shewing his advising with the Recorder of London and the city thereupon; whereas the recorder was not acquainted with it. *Resp.* He utterly denied he made any such docquet; he did sign one, and he did acquaint the lord chancellor and recorder of London with it, and desired the recorder to acquaint the city; but denied that the docquet is that he had acquainted the city with.—V. That 3401 quo warranto's, to the vexation of the people, were brought by him, touching the patent of Inns, and but two came to trial. *Resp.* He cannot particularly answer this: if it appear upon record that there be so many signed by him, he confesses it; but, till then, he humbly desires to be retained in their lordships favour. Adding, that if ever he deserved well of his maj. it was in this; that the king and subject were more abused by that patent than by any other; and, as he takes it, he suffers, at this day, for that patent.—VI. That he commenced divers suits in the exchequer, touching Gold and Silver-Thread; but did not prosecute the same. *Resp.* It may be he did."—These Answers and Confessions being read, the said sir Henry having leave to speak, said, "That he thought himself happy in these mists of his maj.'s disfavour, that he was pleased to cast that grace upon him, as to send him to this honourable house: that innocency had her present answer; wisdom required time. Therefore he made his most humble suit to have a particular of his charge in writing, and time to answer the same; that he might have leave to repair to his chambers, at Gray's Inn, and to his house, to search his papers; for that the matters, objected against him, did look into his actions for 4, 5, and 7 years of his serving his maj."—Sir Henry being withdrawn, and the house having taken this into consideration, he was brought to the bar again; when the chief justice told him, that he should have a copy of the charge objected against him; and leave, under the lieutenant's charge, to go to his house and chambers to view his papers; and to have time, until Saturday come se'nnight, to make his further answer; which was more than his own request. And an order of the house was made for it accordingly.

*The Kings Speech to the Lords.*] April 24 The Lords met in their robes, expecting the coming of the king, who soon after appeared in state; and, being seated on the throne, made a speech to them to this effect: He first made a short repetition of the speech, used by him, to the Lords and Commons on their access unto him, on Friday last, viz. "That, at that time, he made a recantation unto them of his former determination not to use any speeches unto them, but those usual at the beginning or ending of a parl. But that the Commons did behave so worthily unto him, that he was resolved to speak oftener unto them, hereafter, as occasion shall require. His maj. did put them in mind of the occasions of calling this parl. which were these: To relieve his wants he having received no Subsidies these many years; and for the relief of the torn estate of Christendom. To make good Laws. To hear and redress Grievances, which cannot come to a king's ear better than by parl.—For the first, his maj. told them that he had more cause to give his subjects thanks, for the two Subsidies granted to him this parl. than any king ever had; both, for that the same was granted in the beginning of the parl. and for the title of the grant. That his maj. had taken up, upon trust before-hand, the sums granted him by the said Subsidies; as well for the defence of the Palatinate, as for the maintenance of his son-in-law and his daughter, and their children, and of the dowager also; who are all expelled out of their country, as also, for preparation of arms for recovery thereof. That his majesty had procured a short truce and did hope to get a general peace and thereby to settle them in their country again; but was to be at great charges to send embassadors, all over Christendom, for the effecting thereof; and if this peace could not be obtained, then his maj. would send his armies to recover the same. The great charges of either of these could not be supplied, but by more Subsidies. And whereas some say Subsidies may be granted at the next session; lest when the same are given, his maj. might dissolve the parl. with this session, within which time the important business now intended cannot be finished: his maj. protested before God, that whether there be any more Subsidies granted, or not, he intends not to dissolve this parl. till the matters in agitation be finished.—As to the making of good Laws, his maj. at his first coming to the crown, commanded a collection to be made of all penal statutes, which books he heard were now finished, and he was glad of it. The said penal laws, some intricate, some obsolete being the groundwork of all informers; and, amongst other good laws to be made, his maj. especially recommended a reformation of abuses by Informers, and that they be punished.—As to complaints of Grievances, his maj. commended those for public grievances; protesting, that he would prefer no person, whatsoever, before the public good. His maj. was also pleased "To put the Lords in mind of their antient orders of this house in hearing complaints, in the examinations of them, and their manner to give judgment thereupon. But advised them, the time being precious, to entertain nothing which was



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not material and weighty." He was pleased to say, further, "That he was now come to speak somewhat particular unto the lords of this house in regard to himself; and told them, that, as all libels against himself are generally punished, so a libel against his maj. in open parl. must not escape. And whereas many complaints are already made against courts of judicature, which are in examination, and are to be proceeded on by the Lords, his maj. would add some, which he thinks fit also to be complained of and redressed; which are, That no orders be made but in public courts and not in chanbers: That excessive fees be taken away: That no bribery, nor money, be given for the hearing of any cause. These and many other things his maj. thought fit to be done this session; and added, That when he had done this and all that he can do for the good of his subjects, he confessed he had but done the duty whereunto he was born. That sir Hen. Yelverton, being the other day at the bar, did infer, That all the punishment upon him was for his good service done to his maj. The king said, That it seemed strange to him, that sir Henry should be examined upon any thing, save the Patent of Gold and Silver-Thread; for his maj. did not conceive that any matter was complained of against him relating to Inns and Hosteries, whereof he was here, also, examined. That, as to this patent, Mompesson made complaint to his maj. that sir Henry refused to send any process of quo warranto against a multitude of Innkeepers; and his maj. accepted of sir Henry's modest answer to this, that he misliked these proceedings against his subjects. But, afterwards, his maj. understood, that Mompesson agreeing that sir Henry Yelverton should receive the fees due unto him for the said process, sir Henry yielded thereunto, and Mompesson made no more complaints thereof.—His maj. to clear himself, did lay open to the Lords the many former just dislikes, which he had against this offender, sir Henry, before he questioned him; and said the first mislike he found in him was, That his maj. referring a pardon of petty theft, to be considered of by him and the then solicitor; he alone took it into his consideration, and signed a pardon for murder also.—That sir Henry passed at one time 4 patents for his maj. to grant, which the lord chancellor stayed at the seal, the same being found to be very inconvenient. Hereupon his maj. intended to have removed him, but, by way of preferment; and finding at that time a judge's place void, he thought to have bestowed that upon him. But because he had not any precedent that the king's attorney general was ever removed to any other place than that of a chief judge, his maj. did then forbear, expecting some other place for him.—That his maj. hearing of the charter of the city of London, lately renewed, containing many new excessive grants, although sir Henry then exceeded his maj.'s warrant, yet, his maj. was pleased, at the first to tell him gently and privately of it; when the said sir Henry, with many deprecations, denied absolutely that any new liberties were contained in the said grant; and desired to kiss his maj.'s hand on that condition, which he did. Afterwards when his maj. intended to question the said sir Henry for the same, the lord Admiral besought his maj. not to think of any private wrongs done to his lordship in the examination of this business, touching the charter of London. That sir Henry, at the first, justified himself by his maj's warrant, that by it he might have given away all London from him; yet, at last, he made a good submission, in the beginning; but in the end, he said, he had not wronged his maj.'s prerogative.—His maj. shewed how gentle the proceedings were against sir Henry, by him and the lords in the Star-Chamber. But since that now he taxes his maj. that he suffers for good service done to him, his maj. requires the lords who are able to do him justice, to punish the said Sir Henry Yelverton for his slander."

*Complaint against Sir John Bennet, who had been expelled by the Commons for Bribery, &c.*] When his maj. had ended his speech, and was departed from the house, the Lords received a message from the Commons to this effect: first, "That the Commons desire a re-conference on the bill against Informers. Next, that they had received complaints of divers exorbitant oppressions and bribery, committed by sir John Bennet, knt. late a member of their house, but now expelled by them for the same; that they desire a conference also about him." Agreed to be at 4 this afternoon, in the Painted Chamber. It was ordered, by general consent of the whole house, "That h. r. h. the prince should be one of all committees, if his highness so please to be."

*Lord Bacon's Submission to the Lords.*]—April 24, p. m. His royal highness signified to the Lords, That the lord chancellor had sent a Submission unto their lordships, which was presently read, in hæc verba:

"To the right. hon. the Lords of the Parliament in the Upper House assembled. The humble Submission and Supplication of the Lord Chancellor."

"May it please your lordships, I shall humbly crave at your hands a benign interpretation of that which I shall now write: for words that come from wasted spirits, and oppressed minds, are more safe in being deposited to a noble construction, than being circled with any reserved caution. This being moved (and, as I hope, obtained of your lordships) as a protection, to all that I shall say, I shall go on; but with a very strange entrance, as may seem to your lordships, at first: for, in the midst of a state of as great affliction as, I think, a mortal man can endure; (honour being above life) I shall begin with the professing of gladness in some things.—The 1st is, That hereafter the greatness of a judge, or magistrate, shall be no sanctuary or protection to him against guiltiness, which is the beginning of a golden work.

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The next, That after this example, it is like that judges will fly from any thing in the likeness of corruption (though it were at a great distance) as from a serpent; which tends to the purging of the courts of justice, and reducing them to their true honour and splendour. And in these two points, (God is my witness) though it be my fortune to be the anvil upon which these two effects are broken and wrought, I take no small comfort. But to pass from the motions of my heart (whereof God is my judge) to the merits of my cause, whereof your lordships are judges, under God and his lieutenant: I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification, instead of all others, out of the justification of Job. For after the clear Submission and Confession which I shall now make unto your lordships, I hope I may say, and justify with Job, in these words, 'I have not hid my sin, as did Adam, nor concealed my faults in my bosom.' This is the only justification which I will use.—It rests, therefore, that without fig-leaves I do ingeniously confess and acknowledge, that having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory: I find matter sufficient and full, both to move me to desert my defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling those particulars which I think might fall off. 'Quid te exempta juvat spinis de millibus una?' Neither will I prompt your lordships to observe upon the proofs where they come not home, or the scruple touching the credits of the witnesses. Neither will I represent to your lordships, how far a defence might, in divers things, extenuate the offence, in respect of the time and manner of the guilt, or the like circumstances; but only leave these things to spring out of your own more noble thoughts and observations of the Evidence, and examinations themselves; and charitably to wind about the particulars of the charge, here and there, as God shall put into your minds, and to submit myself wholly to your piety and grace.—And now I have spoken to your lordships as judges, I shall say a few words unto you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections. Your lordships are not simply judges, but parliamentary judges; you have a farther extent of arbitrary power than other courts; and if you be not tied by ordinary course of courts, or precedents, in points of strictness and severity, much less in points of mercy and mitigation: and yet if any thing, which I shall move, might be contrary to your honourable and worthy end, (the introducing a reformation) I should not seek it. But herein I beseech your lordships to give me leave to tell you a story.—Titus Manlius took his son's life, for giving battle against the prohibition of his general: not many years after, the like severity was pursued by Papirius Cursor, the Dictator, against Quintus Maximus; who being upon the point to be sentenced, was, by the intercession of some particular persons of the senate, spared: whereupon Livy maketh this grave and gracious observation, 'Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.' The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius. And the same reason is in the reformation of justice; for the questioning of men in eminent places, hath the same terror, though not the same rigour, with the punishment. But my cause stays not there; for my humble desire is, that his maj. would take the seal into his hands; which is a great downfall, and may serve, I hope, in itself, for an expiation of my faults.—Therefore, if mercy and mitigation be in your lordships power, and no way cross your ends, why should I not hope of your favor and commiseration. Your lordships will be pleased to behold your chief pattern, the king our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness; and your lordships will remember, there sat not, these hundred years before, a prince in your house; and never such a prince, whose presence deserveth to be made memorable by records, and acts mixed of mercy and justice. Yourselves are either nobles, (and compassion ever beateth in the veins of noble blood,) or reverend prelates, who are the servants of Him that would not break the bruised reed, nor quench the smoaking flax. You all sit upon a high stage, and therefore cannot but be sensible of the changes of human conditions, and of the fall of many from high places.—Neither will your lordships forget, that there are 'Vitia temporis,' as well as 'vitia hominis;' and the beginning of reformation hath the contrary power to the pool of Bethesda; for that had strength to cure him only that was first cast in, and this hath strength to hurt him only that is first cast in; and, for my part, I wish it may stay there, and go no further.—Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body: and one that in this very session had some taste of your loving affections, which, I hope, was not a lightning before the death of them, but rather a spark of that grace, which now in the conclusion will more appear: and therefore my humble suit to your lordships is, That my penitent Submission may be my sentence; the loss of my Seal my punishment; and that your lordships would recommend me to his maj.'s grace and pardon for all that is past. God's holy spirit be among you. Your lordships humble servant, and suppliant, FRAN. ST. ALBAN, Canc. April 22, 1621."

This Submission being read by the clerk, and afterwards repeated by the lord chief justice, the house adjourned, 'ad libitum,' for the better debating, Whether the said Submission was a sufficient Confession for the lords to ground their censure on? their lordships being all

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agreed, That the lord chancellor's Submission was not satisfactory, for that his Confession therein was not fully nor particularly set down but did, in some sort, extenuate it, and seemed to prescribe the sentence to be given against him by the house: It was resolved, That the lord chancellor should be charged with the Briberies and Corruptions complained of against him, and that he should make a particular answer thereunto. But, whether the chancellor should be brought to the bar to hear the charge, or, that respect being had to his person, as having yet the king's great seal, the charge shall be sent to him in writing; was much debated. And, being put to the question, it was carried for the latter.

It was then ordered, That mr. Baron Denham and mr. attorney general* should be sent to the chancellor with this message, "That his Confession was not fully set down in the said Submission, for 3 causes: 1. His lordship confesseth not any particular bribe nor corruption. 2. Nor sheweth how his lordship heard of the charge thereof. 3. The Confession, such as it is, is afterwards extenuated in the said Submission; and therefore the lords have sent him a particular of the charge, and do expect his answer with all convenient expedition."

*Corruptions charged on the Lord Chancellor Bacon, with the Proofs thereof.*

"I. In the cause between sir Rowland Egerton, knight, and Edward Egerton, esq. the lord chancellor received 500l. on the part of sir Rowland, before he decreed the same. Proved by the deposition of sir Rowland Egerton, and John Brooke, who provided the money, and payed it to the chanc.'s agent. Bevis Thelwell deposes he delivered 200l. to the lord chancellor. He received from Edw. Egerton, in the same cause, 400l. proved by the depositions of sir Rd. Young and sir George Hastings, Ralph Merefeild, and Tristram Woodward.—II. In the cause between Hody and Hody, he received a dozen of buttons of the value of 50l. a fortnight after the cause was ended: proved by the depositions of sir Tho. Perient and John Churchill; who speaks of a greater value by the report of Hody.—III. In the cause between the lady Wharton and the coheirs of sir Fra. Willoughby, he received of the lady 310l.; proved by the depositions of the lady Wharton, Rd. Keeling, and Anthony Gardner.—IV. In sir T. Monk's cause, he received of Sir Thomas, by the hands of sir Hen. Holmes, 110l. but this was 9 months after the suit was ended: proved by sir Hen. Holmes.—V. In the cause between sir John Trevor and Ascue, he received of the said sir John 100l.: proved by Rd. Keeling.—VI. In the cause between Holman and Young, he received of Young 100l. after the decree made for him: proved by the aforesaid Rd. Keeling.—VII. In the cause between Fisher and Wrenham, after the decree was past, he received of Fisher a suit of hangings worth 160l. and better; which Fisher gave by advice of Mr. Shute: proved by sir Edw. Fisher.—VIII. In the cause between Kenneday and Vanlore he had of Kennedy a rich Cabinet worth 800l.: proved by James Kenneday.—IX. He borrowed of Vanlore 1000l. upon his own bond, at one time; and the like sum at another time, on his own note, indorsed by Hunt, his man: proved by Peter Vanlore.—X. He received from Richard Scott 200l. after his cause was ended, but upon a precedent promise; likewise, he had in the same cause 100l. for sir John Lenthall's part: proved by Rd. Scott and Edw. Sherborne.—XI. In a cause between Wroth and sir Arthur Manwaring, he had of the former 100l.: proved by John Churchill and John Hunt.—XII. Sir Ralph Hansby, having a cause depending before the chancellor, he had of him 500l.: proved by sir Ralph.—XIII. Wm. Counton had an extent granted him for a debt of 1200l. the lord chanc. staid it and wrote his letter; on which part of the debt was paid presently, and part at a future day. The lord chanc. hereupon sends to borrow 500l. and, because Counton was to pay one Huxley 400l. his lordship required Huxley to forbear it for 6 months, and thereupon obtains the money from Counton. The money being unpaid, suit grows between Huxley and Counton, in chancery; where his lordship decreed Counton to pay Huxley the debt, with damages and costs, when the money was in his own hands: proved by Wm. Counton.—XIV. In the cause between sir William Brunker and Aubrey, the chancellor received from Aubrey 100l.: proved by the depositions of Christ. Aubrey, sir George Hastings, and the letters from Aubrey to the lord chancellor.—XV. In lord Montague's cause, he received from that lord 6 or 700l. and more was to be paid at the end of the cause: proved by Thelwell.—XVI. In Mr. Dunch's cause he received from him 200l.: proved by Thelwell.—XVII. In a cause between Reynell and Peacock, the lord chanc. received from Reynell 200l. and a diamond ring worth 5 or 600l.: proved by John Hunt and sir John Reynell. He took of Peacock also 100l. and borrowed 1000l. without security, interest, or time of repayment: proved by Wm. Peacock and James Rolfe.—XVIII. In the cause between Smithwick and Wyche, he received from the former 200l. which was repaid: proved by John Hunt.—XIX. In sir Henry Russel's cause, he received money from him; but it is not certain how much: proved by Hunt.—XX. In the cause of Mr. Barker, the chancellor received of Barker 700l.: proved by Rob. Barker and Edw. Sherborne.—XXI. There being a reference from his maj. to his lordship, of a business between the grocers and apothecaries of London, he received of the grocers 200l.: proved by sir Tho. Middleton, alderman Johnson, and John Bunbury. And he received, in the same cause of the apothecaries, who opposed the grocers, a taster of

* Sir Thomas Coventry, so appointed upon the removal of sir Henry Yelverton.

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gold worth 40 or 50l. together with a present of ambergrease: proved by sir Tho. Middleton and Samuel Jones. Also, of the new company of apothecaries, in the same cause 100l.: proved by John Kellet and Gabriel Sheriff.—XXII. He took of the French merchants 1000l. to constrain the vintners of London to take from them 1500 tuns of wine: proved by Rob. Bell, Wm. Spright, and Rd. Peacock. To accomplish this business he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners by threats and imprisonments of their persons, to buy wines, for which they had no use nor need, at higher rates than they were at that time vendible: proved by John Child, Henry Ashton, Tho. Haselfote, Ralph Moore, Tho. Knight, and the chancellor's own letters and orders.—XXIII. The lord chancellor hath also given way to great exactions by his servants, both in respect of private seals, and likewise for sealing of injunctions, with other things: proved by Thomas Manwood and Rd. Keeling."

April 25, p. m. Mr. Baron Denham and Mr. Attorney General reported, That they did yesterday deliver unto the lord chancellor, the Charge of his Corruptions, &c. in writing, and required his lordship's Answer; who said he would return one as soon as possible.

The lord chief justice received a letter from the lord chancellor, directed to sir James Ley, knt. lord chief justice of the king's bench, and supplying the place of lord chancellor by commission; which letter the Lords would take no notice of, because it was directed to the lord chief justice, and not to the house.

It was moved by the lord Southampton, "That the lord chancellor's Answer was not satisfactory to their last message; but that he should be required to answer directly from his own mouth." Upon this a long debate arose, Whether he should be brought to the bar or no? At last another message was agreed upon to be sent to this effect, "That their lordships, having received a doubtful answer to the message they sent to him yesterday, they now send again to him to know of him, directly and presently, whether he will make his Confession, or stand upon his defence?"—*Answer.* "That the lord chancellor will make no manner of defence to the charge, but meaneth to acknowledge Corruption: to make a particular confession to every point; and, after that, an humble submission: but he humbly craves liberty, that where the charge is more full than he finds the truth of the fact, he may make declaration of the real truth in such particulars, the charge being brief, and not containing all circumstances." The Lords allowed him time, to April the 30th, to send such Confession and Submission as he intended to make.

*Proceedings in the Case of Sir John Bennet.*] The lord treasurer reported what occurred at the conference yesterday with the Commons, touching the affair of sir John Bennett, the effect thereof was, that the said sir John Bennett, knt. judge of the prerogative court of Canterbury, being directed by Law, both what to do, and what fees to take, did, contrary to law, exact great and extream fees, with much bribery. Some complaints against him were opened, with a request from the Commons that they might send up more hereafter, if any came before them." A Petition from sir John Bennett to the Lords was read, humbly shewing, "That he was kept a close prisoner, under the custody of the sheriff of London, in his own house, and humbly desiring to have the liberty of that, upon good security." Upon a motion made to the lords, how far the petitioner should have this liberty granted him, it was at last agreed and ordered, "That whereas sir John had presented a Petition, setting forth that he was kept a close prisoner, &c. their lordships would permit him the liberty of his own house, upon this security; to give into this court the names of such sufficient persons as will be bail for his forthcoming; who shall be bound in the full sum of 40,000l. or else he shall be committed to the Tower, and have the liberty thereof."

*Charge against Sir Francis Mitchell.*]—April 26. The collection of offences committed by sir Francis Mitchell, copartner with Mompesson, with the proofs thereof, was read, viz. I. "That he received an annuty of 100l. per ann. to be continued for 5 years, for executing the commission, touching Gold and Silver-Thread. Proved by the deed of the grant thereof from Rd. Dyke and sir N. Salter, knt. to him the said Mitchel, dated May 27. ann. 17 Jac.—II. He and Henry Tweedy took upon them the execution of the first commission, touching Gold and Silver-Thread, and therein exceeded and abused their power, by committing divers to prison before conviction, and by committing others for refusing to enter into bonds required by them, and not warranted by the said commission. Proved by the several persons committed for refusing to be bound from following their free trades.—III. That there being a second commission, touching Gold and Silver-Thread, granted, he alone committed divers to prison, the authority being given to two.—IV. That he erected an office, kept a court, made officers and divers unwarrantable orders, and exacted bonds for the observance of the same. Proved by his books of orders, and the bonds themselves, &c.—V. That in a suit between Fowles and Lake, in the Star-Chamber he took of the latter three 22s. peices to compound the same: proved by Lake."

Sir F. Mitchell being called to the bar, was charged with the said offences; and he made his answers unto them particularly. Some he denied and others confessed; and then having leave to speak for himself, he made a discourse "commending the first commission of Gold and Silver-Thread; and that he misliked the second commission, and would not have medled with it, if he could have avoided it: but Mompesson told him, weekly, that he had a command from the king to do thus and thus; and

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what could he do to withstand Mompesson?" then he was withdrawn.

April 26, p. m. Matthias Fowlis was brought to the bar, and charged with many heinous offences, in the patent of Gold and Silver-Thread, &c. by false-dying and counterfeiting the same; which, having answered to, he was ordered again to the bar the next morning.—April 27. The charge against Fowlis continued, and his defence, which took up the whole forenoon. Afterwards the lords agreed to meet in their robes, and give sentence against sir F. Mitchell, in the afternoon; and Fowlis was ordered to attend also.

April 27, p. m. Some debate arose in the house, Whether sir F. Mitchell should be examined again, as to some points, before sentence? it was agreed he should. And, after some questions about other matters, he was particularly examined about sir E. Villiers, Buckingham's brother; who is named also by the Commons in their declaration. He said, "That he was told by hearsay, sir Edw. Villiers was with sir Henry Yelverton, about this business of the patent of Gold and Silver-Thread; but knows not for certain of any thing which sir Edw. said, or that sir Henry wrote any letters to the lord chancellor, about the commitment of any offenders against that patent. He said that sir Henry Yelverton committed 3 or 4 silk-men, as he hath heard; but he knows not whether sir Edw. was present at the commitment of the silk-men, or whether sir Edw. did threaten these silk-men; but adds, he hath heard that the said sir Edw. was accused of it; but he knows not by whom."

*Petition of sir Henry Yelverton.*] April 28. The lieutenant of the Tower was called on to bring in the body of sir H. Yelverton, according to an order of the house the 18th inst. The lieut. excused his not bringing the prisoner, because he was so troubled with the rheum and toothach he was not able to speak. The officer was sworn to this; and besides it was ordered, That the Earls of Dorset and Warwick, the bp. of Bangor, the lords Hunsden, Walden, and Grey should be sent to the Tower to view the person of the said sir Henry, and examine the truth of the excuse delivered by the lieut.—In regard that his maj. in a late speech in this house, had said, "That the objections of the writs of quo warranto, in the business of the Inns, against sir Henry Yelverton, was somewhat strange unto him," it was moved in the house, That the Lords should endeavour to give his maj. satisfaction of the reasons thereof. A committee was therefore appointed to wait on his maj. at such time as he should be pleased to admit them to his presence; and to inform him, That the same was particularly objected against sir Henry, in the declaration of the complaint of the Lower House to their lordships; and to shew his maj. the number of them that were molested thereby, under the hands of the officers of the crown-office; and how few were legally proceeded against.—April 30. The earl of Dorset, from the committee appointed to go to inspect sir Henry Yelverton at the Tower, reported, "That they found him in his bed, much swoln about the face with the rheum: that his Answer is ready; and that he hopes to be able in two or three days, to make his appearance at the bar."

*The Lord Chancellor Bacon's Confession.*] April 30. The lord chief justice acquainted the Lords, that he had received from the lord chancellor baron a paper-roll, sealed up; which being opened, was found to be directed to their lordships, and was read:

"To the rt. hon. the Lords Spiritual and Temporal in the high court of parliament assembled. The Confession and Humble Submission of me the Lord Chancellor:

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account as far as I am able, I do plainly and ingeniously confess, that I am guilty of Corruption, and do renounce all defence and put myself on the grace and mercy of your lordships. The particulars I confess and declare to be as follows:" [In this Confession the chancellor repeats every particular head of the charge against him; but as that hath been given at large in the foregoing pages, it is needless to insert it again. We shall therefore only give his Answers to each Article, as they are put down in the charge seriatim."] I. To the first Article he confessed, That upon a reference from his maj. of all suits between sir Rowland Egerton and Edw. Egerton, both parties submitted to his award, by reciprocal recognizances in 10,000 marks a piece: that after divers hearings, he made his award with the advice of lord Hobart; and, some days after, the sums mentioned in the charge were delivered to him from sir Rowland. That mr. Edward Egerton flying off from the award, a suit was begun in chancery by sir Rowland to have the award confirmed; and a decree was made thereupon. That soon after his coming to the seal, when many presented him, he received the 100l. mentioned in this article, of mr. Egerton; but, as he remembred, it was for favours past.—II. That in the cause between Hody and Hody, about a forthnight after the cause was ended, there were gold-buttons, about the value of 50l. presented him.—III. That in the cause between the lady Wharton, and the co-heirs of sir Francis Willoughby, he received of the lady Wharton 200l. in gold, and, at another time, 100 pieces while the cause was depening.—IV. That he received of sir Tho. Monk 100 pieces; but it was long after his suit was ended.—V. That he received of sir John Trevor, as a new-years-gift, 100l. but he confessed it was while his cause was depending.—VI. In the cause between Holman and Young, he received of Young 100l. but it was long after his cause was ended.—VII. That while the cause was depending between Fisher and Wrenham he did receive of sir Edw. Fisher a suit of hangings of the value of about 160l. towards furnishing his house; and was at the

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same time presented by others, who were no suitors, with furniture for his house.—VIII. As to the charge of his receiving a cabinet, of the value of 800l. of sir John Kenneday; a cabinet was indeed sent to his house by sir John, but not of half that value; but he refused to accept it, and was determined to send it back again: that one Pinkney, who stood engaged for the money to pay for the cabinet, desired he might have it; and thereupon sir John entreated his lordship that he would not disgrace him by returning the gift, much less put it into a wrong hand; and that he was ready to return it to whom their lordships should appoint.—IX. He confessed he had borrowed 1000l. of Vanlore; but looked upon it as a debt, and was obliged to repay it.—X. He acknowledged his receiving 200l. of Mr. Scott, about a fortnight after the decree passed for him: and that he received 100l. of sir John Lenthall, about a month after the decree passed.—XI. That the cause between Wroth and Manwaring was ended by his arbitrement, by consent of parties, and he received of Wroth 100l. about a month after the cause was ended.—XII. That he received of sir Ralph Hansby, while his cause was depending, 500l.—XIII. That he did borrow the 500l. mentioned in this article, of Counton; but looked upon it as a debt which he was obliged to repay.—XIV. In the cause between sir Wm. Brunker and Aubrey, he did acknowledge his receiving 100l. of Aubrey.—XV. He confessed he received money of the lord Montague, while his suit was depending, to the amount of 6, or 700l.—XVI. He confessed his receiving 200l. of Mr. Dunch; but thought it was some time after the decree.—XVII. He confessed his receiving 200l. of sir George Reynell, his near relation, at his first coming to the seal, to be bestowed in furniture; but thinks this was before any suit began: and as to the diamond-ring he received of him while his cause was depending, charged to be worth 5 or 600l. it was not of near that value; though, he confessed, it was too much for a new-year's-gift: he also confessed his receiving 100l. of Mr. Peacock, at his coming to the seal, as a present, and that he afterwards borrowed 1000l. of him at twice; for which, he said, he would take no security or interest, and gave him his own time for repaying it.—XVIII. He confessed his servant Hunt did receive 200l. of Smithwick; but that he ordered it to be repaid.—XIX. That he did receive of sir Henry Russel 3 or 400l. about a month after the cause was decreed; in which decree he was assisted by two of the judges.—XX. He confessed he received of Mr. Barker the 700l. mentioned in this article, some time after the decree passed.—XXI. As to this article he confessed he received the sums there mentioned, viz. of the grocers, 200l. of the apothecaries, that stood with the grocers, a taster of gold, worth 40 or 50l. and a present of ambergrease; and of a new company of apothecaries, that stood against the grocers, 100l. But this was no judicial business, he observed, only a composition between the parties; and he thought, as they all received benefit by it, and were all three common purses, there was no great matter in receiving what they voluntarily presented.—XXII. To this article, in which he is charged with taking of the French merchants 1000l. to constrain the company of vintners to take 1500 tons of their wine, with threatning and imprisoning the vintners because they would not take their wines at higher prices than they were vendible, he confessed, sir Tho. Smith did deal with him in behalf of the French company, informing him, That the vintners, by combination, refused to take the wines at any reasonable prices, and that this would destroy their trade, which the state was concerned in; and that the company would gratify him with 1000l. for the trouble he should take in it. He did, he confessed, thereupon endeavour to compromise matters between them, and prevent a suit, propounding such a price as the vintners might gain 6l. a ton; and the king afterwards recommending the business to him, as a matter that concerned his customs, he dealt the more peremptorily in it, and did, for a day or two, restrain some of those that were the most stiff, in a messenger's hands; and afterwards the merchants presented him with a 1000l.—XXIII. To this article, That he had given way to the exactions of his servants, in respect of private seals and injunctions, he confessed it to be a great fault, that he had looked no better to his servants."—He then concludes thus:—"This Declaration I have made unto your lordships with a sincere mind; humbly craving, that if there should be any mistaking, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth, or palliate any thing: for I do confess, that in the points charged against me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect; for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of this court. For extenuation, I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I never was noted for an avaritious man, and the apostle says, that 'covetousness is the root of all evil.' I hope also that your lordships do rather find me in the state of grace; for that in all these particulars, there are few or none that are not almost two years old; whereas those that have a habit of corruption, do commonly wax worse and worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency; and, as for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.—And so, fearing I have troubled your lordships too long, I shall conclude with an humble suit unto your lordships, That, if you proceed to sentence, your sentence may not be heavy to my ruin; but gracious and mixed with mercy; and not only so, but that you

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would be noble intercessors for me to his maj. likewise for his grace and favour. Your lordships humble servant and suppliant,

"FRAN. ST. ALBAN, Canc."

This Confession and Submission being read, a committee of 12 lords were appointed to go to the chanc. and shew him the said confession, and tell him that the lords do conceive it to be an ingenuous and full confession. To demand of him also, whether it be his own hand that is subscribed to the same, and whether he will stand to it or no?—The committee being returned, reported, That they had shewn the chancellor the Confession, and delivered the rest of the message to him; who answered, "My lords, it is my act, my hand, and my heart, I beseech your lordships to be merciful to a broken reed." Which report being made, it was agreed by the house to move his maj. to sequester the seals, and to intreat his highness the prince, that he would be pleased to do this; which his highness readily condescended to; and the former committee of lords were appointed to attend him.

April 30, p. m. The prince his highness reported to the house, "That, according to their request, he, with the lords that accompanied him, had moved his majesty to sequester the great seal from the lord chancellor; whereunto his majesty most willingly yielded, and said he would have done it, if he had not been moved thereto."

*Further Proceedings against Sir H. Yelverton.*] Sir Henry Yelverton was then brought to the bar; when the lord steward informed the house, That his maj. is satisfied concerning the charging sir Henry, in this house, with the matter of Inns and Hosteries. Then the chief justice read the charge, which was made against him on the 18th of April, with his answers thereto, and demanded of him, Whether he now would affirm those Answers? Unto which he replied, "That the six charges against him may be reduced into two, the one of Gold and Silver-Thread, the other of Inns and Hosteries. He humbly desired, therefore, that he might then answer to every particular charge, in serie temporis.

May 2. A new commission from the king was read, constituting sir James Ley, knt. lord chief justice of the king's bench, to supply the office of a lord chancellor, or lord keeper of the great seal, in the house of Lords.—Afterwards the lord treasurer acquainted the house, "That he had his maj.'s commands to deliver a message to their lordships of a double nature; 1st, an Account of what was done; and, 2ndly, a Signification of what was to be done.—As to the 1st, his highness had presented their lordships request to his maj. that he would be pleased, as the case then stood, to command the seal from the lord chancellor. Accordingly, yesterday, his lordship, the lord steward, the lord chamberlain, and the earl of Arundel, at the king's command, went to the lord chancellor, and received from him the great seal, and delivered the same to his maj.; who, by commission, hath appointed the keeping of it to him and the other lords with him.—To the 2nd, his majesty hath commanded him to signify to their lordships, "That he understands sir Henry Yelverton, being called here before them the other day, as a delinquent, answered not as such, but as a judge or accuser of a member of this house, the lord of Buckingham. And whereas, in his first speech, here in this house, he touched the king's honour; saying, He suffered for the patents of Inns, or to that effect, he was so far from extenuating or excusing the offence, that the last day he had aggravated the same." Wherefore his majesty's pleasure is, that himself will be the judge as to what concerns his own person; and, as to what relates to the lord of Buckingham, since he had besought his maj. that it might be left to this house, so he leaves it wholly to their lordships.

This message being delivered, the Lords conceived by it, that the king intended to take the judgment of sir Henry Yelverton out of their hands, as touching his own honour; his maj. having been misinformed, that the Lords had referred it back to him: wherefore a motion was made, That the house should be humble suitors to his maj. that he would be pleased not to resume this out of their hands, but give their lordships leave to continue judges thereof. After some debate, it was resolved, That a committee of the whole house should attend his maj. at his pleasure; and that the abp. of Canterbury, in the name of the whole house, should deliver the following message to him: "Whereas it has pleased your maj. in a late speech to this house, to require us to do justice upon sir Henry Yelverton, in a matter concerning your own honour; since which time some words have been used in this house, which your maj. conceives do rather aggravate than extenuate his fault: whereupon you maj. did this day signify by the lord treasurer, 'That of what concerns your own honour, yourself would be the judge:' the Lords knowing your maj.'s tenderness of the privileges of this house, and their own zeal unto your maj.'s honour, do humbly beseech your maj. to alter your resolution; otherwise, this change may strike some fear into us, that we are not held so tender and zealous, in our dutiful affections, in point of your maj.'s honour, as we desire you should think us to be, and are most ready to yield due proofs thereof."

Agreed to proceed to sentence the Lord Chancellor to morrow morning; therefore the gentleman-usher, and the serjeant at arms, attendants of this house, were commanded to summon him to appear at the bar by 9 o'clock, and that the serjeant shew him the mace at the said summons.

*The Judgment against the lord Chancellor Bacon.*] May 3. The officers sent to summon the lord chancellor Bacon being returned reported to the house, That according to their lordships appointment, they had waited on him but found him sick in bed; that notwithstand-

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ing, they delivered their lordships' message to him; who answered, "That he was sick, and protested he feigned not this for an excuse; for, if he had been well, he would willingly have come."—The Lords resolved, however, to proceed against the lord chancellor; and, the attorney general having read the Charge and Confessions, it was put to the question, "Whether the lord chanc. was guilty of the matters wherewith he was charged?" Agreed *nem. diss.* "That he was guilty." And to the end that the Lords might more freely dispute and resolve what sentence to pass upon him for his said offences, the house adjourned *ad libitum.*

After some time, the lord chief justice being returned to his place, put another question, "Whether the lord chancellor shall be suspended of all his titles of nobility, during his life, or no? It was agreed, *per plures*, "That he shall not be suspended thereof."—The sentence being agreed upon against the chancellor, the Lords sent a message to the other house, That they were ready to give judgment against the lord viscount St. Albans, if they, with their Speaker, came to demand it.—In the mean time the Lords put on their robes, and mr. Speaker being come to the bar, after making three low obeysances, delivered himself as follows: "The knights, citizens, and burgesses of the Commons House of Parl. having made complaint unto your lordships of many exorbitant offences of bribery and corruption committed by the Lord Chancellor, we understand that your lordships are ready to give judgment upon him for the same. Wherefore, I, their Speaker, in their names, do humbly demand judgment against him, the lord chancellor, as the nature of his offences and demerits require."

The lord chief justice answered, "Mr. Speaker; Upon the complaint of the Commons against the lord viscount st. Alban, lord chancellor, this high court hath thereby, and by his own confession found him guilty of the crimes and corruptions complained of by the Commons, and of sundry other crimes and corruptions of like nature. Therefore, this high court, having first summoned him to attend, and having received his excuse of not attending, by reason of infirmities and sickness, which he protested was not feigned, or else he would most willingly have attended; doth, nevertheless, think fit to proceed to judgment. And, therefore, this high court doth adjudge, 1. That the lord visc. St. Alban, lord chancellor of England, shall undergo fine and ransom of 40,000l. 2. That he shall be imprisoned in the Tower, during the king's pleasure. 3. That he shall, for ever, be incapable of holding any office, place, or employment, in the state or commonwealth. 4. That he shall never sit in parliament, nor come within the verge of the court.—Then his highness the Prince was intreated by the house, That, accompanied with divers lords of this house, he would be pleased to present this sentence given against the late lord chancellor unto his maj.; which he consented to.

*The Sentence upon Sir F. Mitchell.*] May 4. The offences wherewith sir Fra. Mitchell was charged, being read, and the question being put, Whether the said sir Francis be guilty of the offences, or any of them, so charged upon him, that he is worthy to be censured? It was agreed, unanimously, that he was. Then a message was sent to the Commons, That the Lords were ready to give judgment against sir Francis for many exorbitant offences, of which they had found him guilty; if they, with their Speaker, will come to demand it.

The *Speaker*, being come up to the bar, spoke as follows: "Whereas a complaint, from the House of Commons, hath been exhibited against sir Giles Mompesson and sir Fra. Mitchell, for many offences committed by them against the king and commonwealth; your lordships have proceeded with Mompesson, and given judgment against him; and understanding that you are ready, also, to pronounce judgment against sir Fran. Mitchell, I, the Speaker, in the name of the knights, citizens, and burgesses of the Commons House of Parl. do demand and pray that judgment may be given against the said sir Francis, according to his demerits."

The *Lord Chief Justice* then pronounced Judgment in hæc verba:—"Mr. Speaker; The lords spiritual and temporal have taken into due consideration the great care and pains, taken by the Commons, to inform their lordships of the great complaint, and the quality and nature thereof, presented unto them against sir Fra. Mitchell and others; wherefore their lordships, being well prepared by them to the true understanding of the same, have proceeded to the perfect discovery thereof, (by examination of divers witnesses upon oath) and do find, thereby, the said sir Francis clearly guilty of many great crimes and offences against his maj. and the commonwealth, and have resolved, at this time, to proceed against him for the same. Therefore the lords spiritual and temporal of this high court of parl. do award and adjudge, 1. That the said sir Francis shall stand and be from henceforth degraded of the order of knighthood, with reservation of the dignity to his wife and children. The ceremonies of degradation to be performed by direction of this court to the earl marshal's court. 2. That he shall be imprisoned during the king's pleasure, in the goal, in Finsbury fields, in the same chamber which he provided for others; the Tower where he now remains being too worthy for him. 3. That he shall undergo a fine of 1000l. 4. That he shall be disabled to hold or receive any office, under the king, or the commonwealth."

*Proceedings in the Commons against Edward Floyde for scandalizing the Princess Palatine.*] May 5. The house was moved to take into consideration an act, lately done by the Commons, in convening before them the person of one Edw. Floyde in examining of witnesses,



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giving judgment upon him, and entering it as an act of their own. That this proceeding trenched deep into the privileges of their house, for that all judgments do, properly and only, belong unto the Lords. Therefore, it was resolved not to suffer any thing to pass, which might prejudice their right in this point of judicature; and yet, so to proceed, as that the love and good correspondency between both houses might be continued.

The Commons had been some time engaged in examining witnesses against this Floyde; and having sufficient proof of his speaking the words he was accused of, on the 1st of May proceeded to give judgment against him. Many arguments ensued on what punishment to inflict upon him; and, amongst the rest, sir Edwin Sandys said, "That the house ought to be well advised, since there was much difficulty in the case: that their sentence would be censured in a great part of the christian world: that the root of this man's malice was ill-affection to religion, and consequently, to the state. There were but two eminent persons before, viz. king Edw. VI. and queen Jane, who had escaped the virulent tongues of opposites in religion. This lady Elizabeth was the third, who was much praised by all her enemies*. That he was for joining with the Lords in this proceeding; was it not for the great business they had, and should soon bring before them: In the sentence not to meddle with his religion, but his offence in tongue; for that would make him be canonized: that the words he had spoken were words of contempt, not of slander; therefore to punish him with as much contempt as may be, &c."—On the whole, the Commons agreed on a sentence, which the Speaker denounced against the offender, kneeling at their bar; which sentence was ordered to be entered in their Journals. And that the reader may the better understand the business, we give it in its own form, as follows:

"Be it remembered, that upon Tuesday, the 1st day of May, in the year of the reign of our sovereign lord James, by the grace of God, king of England, &c. the 19th; Edward Floyde, late of Clanmemayne, within the county of Salop, esq. was impeached before the Commons assembled in this parl. for that the said Edward sithence the summons of this parl. in the prison of the Fleete, having communication concerning the most illustrious princess the lady Elizabeth, only daughter of our said sovereign lord, and the most excellent prince her husband, did use and utter, openly and publickly, false, malicious and despiteful speeches, of the said two princes; saying in this manner, 'I have heard, that Prague is taken; and Goodman Palsgrave and Goodwife Palsgrave have taken their heels, and run away; and, as I have heard, Goodwife Palsgrave is taken prisoner;' and that those words were spoken by him, in most despiteful and scornful manner, with a fleering and scoffing countenance, and with a purpose to disgrace, as much as in him lay, those two princes; and that at other times he did, in like despiteful and reproachful manner, use other malicious and opprobrious words of them. Whereupon the said Commons, of their love and zeal to our said sovereign lord, and not minding to let pass unpunished those things, that tended to the disgrace of his maj.'s issue, a part of himself, who is head of the parl. did call before them the said Edw. Floyde, and thereof did question him; and thereupon so far proceeded, that after, upon the same day, for that the said matters, whereof the said Edward was impeached, were true and notorious, therefore the said Commons, in the Commons House assembled in parl. did adjudge and award, that the said Edward should be returned that night prisoner to the Fleete, where before he remained in prison, and to lie that night in a place there, called Bolton's Ward; and shall the next morning be brought to Westminster, into the great yard before the door of the great hall of pleas, and be there set, and stand, upon the pillory, from 9 until 11 of the clock, in the forenoon, with a paper upon his hat, with this inscription, in capital letters, of these words; 'For false, malicious, and despiteful Speeches, against the King's Daughter, and her Husband; and from thence shall presently ride to the Exchange within the city of London, upon a horse, without a saddle, with his face backwards toward the horse's tail, holding the tail in his hand, with the former paper on his head; and be there again set, and stand, upon the pillory, two hours; and from thence shall ride, in like manner, to the Fleete, and there to remain until the next Friday morning; and, on that morning, to ride, in like manner, into Cheapside, in the city of London, and there shall be set, and stand, upon the pillory, with the former paper and inscription, by the space of two hours, that is, from 10 until 12 of the clock in the forenoon of that day; and ride back to the Fleete, in like manner as before: And that there is set, and assessed upon him, a fine of 1000*l.*"

This proceeding the Lords judged to be a great infringement of their privileges; and, on the day aforesaid, after mature deliberation of the matter, the lords sent a message, in writing, to the Commons, by two of the judges, importing, that, "the Lords, during all this parl. have had much contentment in the good correspondency that hath been between both houses: that their lordships have an earnest affection, and an assured confidence of the happy continuance of it to the end; with a full resolution of all possible endeavours, on their parts, tending thereunto. Their lordships having heard of a censure lately passed in that house, against one Edw. Floyde, are desirous of a conference for the accommodation of that business, in such sort as may be without any prejudice to the privileges of either house. This conference they desire, if it may stand with the occasions of that house, may be between the whole houses, at 2 in the afternoon,

* The princess Palatine, the king's daughter.

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in the Painted Chamber; with power to each committee to treat and confer freely, and to understand each other's reasons."—To the end that the Lords might agree amongst themselves in what manner to proceed at the said conference, the house adjourned ad libitum; and, being returned, it was resolved that the abp. of Canterbury should begin, and the lord treasurer, the lord chamberlain, and the earl of Southampton, should argue and dispute about it.—Answer returned from the Commons by sir Lyonel Cranfield, and others: "The knights, citizens, and burgesses of the House of Commons, have commanded me to let your lordships understand, that they take great comfort in the message which your lordships sent them, and desire the happy continuance of the love and unity of both houses. Their whole house, as a committee, will attend your lordships at the conference desired, and at the time and place appointed."

May 5. p. m. After consulting a precedent shewn their lordships by mr. serjeant Crew, 1 Hen. IV. which proved, That the Commons were not judges in parl.; but that judicature belongs unto the King and Lords alone, the whole house went, as a committee, into the Painted Chamber. And, being returned, the house was resumed; when it was agreed, that the judges and king's council should make a report of the collections of what the Commons alledged for their right of judicature.

May 7. The Abp. of Canterbury reported, "That yesterday, according to the direction of the house, he presented their lordships Petition unto the king, humbly desiring that his maj. would be pleased that this house might continue judges of sir Henry Yelverton, for the matter concerning his maj.'s honour." At which time his maj. said, "That, in example of that most famous queen Elizabeth, when this whole house was suitors to her, he must return Answer, Answer-less." But that this morning his maj.'s answer was, "The lords knowing they enjoy their honours from him, and under him, he doubts not but they will be more tender of his honour for that cause; therefore he doth return back unto their lordships the whole and final ordering of that business of sir Henry Yelverton."

The Lords having considered the precedents alledged by the Commons at the last conference, do find that they tended to prove, 1. "That the house of commons is a court of record. 2. That they have adminstered an oath in matters concerning themselves. 3. That they have inflicted punishments on delinquents, where the cause has concerned a messenger of their house, or the privilege thereof."—Their lordships determined, 'That the question, at this time, is not Whether that house be a court of record; nor whether the oath by them alledged to be ministred, in a matter concerning that house, was given by the house, or by a master in chancery, then one of their members; nor whether they have a right of judicature in matters concerning themselves? But the question is, Whether that house may proceed to sentence any man, who is not a member of their house, and for a matter which does not concern them, for which the Commons alledged no proofs, nor produced any precedents? Therefore their lordships agreed to pray a re-conference about the same; and, at the said conference, to stick to this only, "That the house of commons have no power of judicature, no coercion against any, but in matters concerning their own house."

May 8. The lord chamberlain declared, 'That the king had commanded him to acquaint their lordships, That although nothing is so dear unto him as his honour; yet, as before, so he doth now, put into their lordships hands the cause of sir Henry Yelverton, not mistrusting their affections to him, nor their judgments."—Then the Lords directed the attorney general to open to the house, as well the first speech as the second, (because his maj. thought that sir Henry Yelverton had by his second defence aggravated the former) who coming up to the clerk's table, read part of the copy of the first charge upon him; and his notes for answers, wrote in the margin thereof by him. Also, the notes taken of sir Henry's second speech, which was sent to the king; and which he said he did speak in the house, or would have spake if he had been permitted. But, the morning being far spent, the lords demined not to proceed against him then, but take another time to consider upon what point of those speeches to think him worthy of censure.

May 8. p. m. The house being to meet the Commons at the re-conference, this afternoon, concerning the judicature in which the Lords conceived the others had trenched into their liberties and privileges; and wherein their lordships were not satisfied with the precedents alledged by the Commons, at the former conference in their defence thereof: yet being desirous to continue that good respect and correspondency which hath been all this parl, between both the houses, they thought proper to order, That the Abp. of Canterbury should begin the introduction to the conference, and propound any thing that might tend to a gentle ending of the same. And, that if the Commons would agree to a sub-commitee, to end this business, then the abp. the lord admiral, the lord chamberlain, the earls of Arundel and Southampton were appointed for that purpose; and it was further agreed, that this sub-committee should be limited not to yield to any thing, in point of judicature, which they of the commons have done, lest it may in time become a precedent to wrong the privileges of the lords. The Commons agreed to a sub-committee, to end this difference.

May 12. The Abp. of Canterbury reported the conference held yesterday between the sub-committees of both houses, to this effect; 1st, "The Commons shewed their constant resolution to maintain the love and good correspondency between the two houses. 2ndly,

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Their resolution not to invade the privileges of this house, that have dealt so nobly with them. Lastly, that out of their zeal they sentenced Floyde; but they leave him to the Lords with an intimation of their hope that this house will censure him also. Then they proposed a protestation to be entered with the Lords for a mean to accommodate the business between them.—A Protestation was immediately drawn up and agreed to, in these words; "That the proceedings lately passed in the House of Commons, against Edw. Floyde, be not at any time hereafter drawn or used as a precedent to the enlarging or diminishing of the lawful rights or privileges of either house: but that the rights and privileges of both houses, shall remain in the self-same state and plight as before." This protestation is also entered in the Journals of the Commons, without any addition or alteration by them.

*Sir Henry Yelverton's Case.*] May 14. The lord treasurer delivered a representation of sir Henry Yelverton's Case, as presented to the king; with his maj.'s pleasure signified that it might be read in the house. The substance of which was as follows:—

"Sir Henry Yelverton, in Michaelmas Term last, was sentenced in the Star-Chamber for breach of trust, in the unwarrantable passing of a charter to the city of London; tending to the disherison of his maj. both in matter of kingly power and high prerogative, and also, in matter of revenues and profits of the crown; to the oppression and grievance of the subject, by raising of excessive fees and exactions.—The sentence consisted of these 3 parts: 1. Imprisonment in the Tower. 2. A fine of 4000l. 3. A declaration of disability and unfitness to hold the place of attorney general. Under this sentence sir Henry suffers at this day; for, he is a prisoner in the Tower; removed from the place of attorney: and the fine is leviable upon him at his maj.'s pleasure. That, on the 18th of April last, he was brought to the bar in parl.; and being there charged, inter alia, with some miscarriages, touching the patent of Inns, he said, If ever he had deserved well of his maj. it was in that; adding, That the king and subjects were more abused by that patent than by any other, and that he suffers at this day, as he takes it, for that patent.—April 30. He was again brought to the bar, and spoke as follows: "I cannot but present myself this day, before your highness and my lords, with much fear and more grief; for I am compassed with so many terrors from his maj. as I might well hide my head with Adam. His maj.'s displeasure wounds me more than the consciousness of any faults; yet, I had rather have died than that the commonwealth should receive so much as a scratch from me. I, that in none of my actions feared the great man, in whom they (sir Edw. Villiers and sir G. Mompesson) did depend; much less would fear them who were but his shadows. But, my most noble lords, knowing that my lord of Buckingham was ever at his maj.'s hand, ready, upon every occasion, to hew me down, out of the honest fear of a servant, not to offend so gracious a master, as his maj. hath ever been to me, I did commit them, viz. the silk-men.—As to the patent of Inns, I cannot but herein bemoan my unhappiness, that in the last cause labouring by all means to advance the profit of his maj.; and, in this, with the sight almost of my own ruin, to preserve his maj.'s honour and the quiet of the people, I am yet drawn in question as if I had equally dishonoured his maj. in both.—When sir Giles saw I would not be moved to offend his maj. by his directions, I received a message from mr. Emerson, sent me by sir Giles, that I would run myself upon the rocks, and that I should not hold my place long, if I did thus withstand the patent of Inns, or to that effect. Soon after came sir Giles himself, and, like a herald at arms, told me that he had this message to acquaint me with from my lord of Buckingham, that I should not hold my place a month if I did not conform myself in better manner to the patent of Inns; for my lord had obtained it by favour and would maintain it by his power.—How could I but startle at this message? I saw here was a great assuming of power to himself, to place or displace an officer at his pleasure. I saw myself cast upon two main rocks; either, treacherously to forsake the standing his maj. had set me on, or else, to endanger myself by a by-blow and to hazard my fortune.—I humbly beseech your lordships to think that nature will struggle, when she sees her place and means of living thus assaulted; for now it was come to this, whether I would obey his maj. or my lord, if sir Giles spoke true. Yet, I resolved in this, to be as stubborn as Mordecai, not to stoop or pass those gracious bounds, his maj. had prescribed me.—Soon after, I found the message, in part, made good; for all the profits, almost, of my place were diverted from me, and turned into an unusual channel, to one of my lord's worthies; that I retained little more than the name of an attorney. It was so fatal and so penal, that it became almost the loss of a suit to come to me; my place was but as the seat of winds and tempests.—Howbeit, I dare say, if my lord of Buckingham had read the Articles exhibited, in this place, against Hugh Despenser; (see p. 67.) and had known the danger of placing and displacing officers about a king, he would not have pursued me with such bitterness. But, my opposing his lordship in the patent of Inns, in the patent of Alehouses, in the Irish Customs, and in sir Robert Naunton's deputation of his place in the court of Wards, have been my overthrow. For these I suffer at this day in my estate and fortune, (not meaning to say, as I take it, but as I know, for my opposition to his lordship) above 20,000l. I know well that I suffer unjustly, in my restraint, for my offence, by his lordship's means: for my heart tells me I was ever faithful to his maj.; I sought no riches but his grace."

The foregoing minutes of sir Henry Yelver-

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ton's case being read, he was brought to the bar, where serjeant Crew and mr. Attorney General opened the charge against him; and shewed, That those Speeches did directly point to the lord marquis of Buckingham, and, by consequence, fastened a scandal on his maj. Sir Henry, having leave, explained himself touching the said speeches, and made his defence to the charge, which was very long. Afterwards, he was ordered to withdraw, and to be brought again to the bar to-morrow in the afternoon.

May 15. The affair of sir Henry Yelverton came on again; when the question being put, "Whether the said sir Henry is worthy to be censured, for words spoken by him in this house, which touched the king's honour?" It was agreed he should, *nem. diss.* Afterwards they agreed what Sentence should be passed upon him: 1. For matters touching the king's honour. 2. For the scandal on the marq. of Buckingham. 3. For the matter of complaint against him by the Commons. But the day being far spent in settling this affair, the lieut. of the Tower had orders to bring up the said sir Henry, at 9 the next morning.

*Sentence against sir H. Yelverton.*] May 16. The house proceeded to give Sentence against sir Henry Yelverton; the Memorial of which is entered in these words: "Whereas, on the 14th of May, sir Henry Yelverton was charged at this bar, that in the term of st. Michael last past, for breach of trust and misdemeanors by him committed, whilst he was attorney general to his maj. viz. for drawing without warrant a charter unto the city of London, tending as well to his maj.'s disherison, as to the grievance and oppression of the subject; was sentenced by the court of Star-Chamber to be a person unfit to exercise or hold the office of Attorney General; and was further adjudged to be imprisoned in the Tower, and to pay a fine of 4000l. to his maj. The said sir H. being by force of the said sentence imprisoned and still liable to pay the said fine, was, upon the 18th of April, brought to the bar of this high court, and charged with some complaints of the Commons, with some miscarriages concerning two patents, the one for making Gold and Silver-Thread, the other for the licencing of Inns and Hosteries; and being required to make Answer thereto; touching the last, he said, 'That if ever he deserved well of his maj. it was of that matter. That the king and subject were more abused by it than by any other; and that he suffered at that day for opposing that patent, as he took it. And having the favour of this high court to be advised of his Answer to the 30th of the same month, and coming again to the bar, the said sir H. made a long and large Answer to the particulars of this charge, as touching the said patents; and in his answer uttered divers speeches, by which he attributed all the effects of that sentence, viz. his sufferings, his hindrances, which he esteemed to the value of 20,000l. his ruin and his overthrow, unto his opposition against that patent of Inns and Hosteries; to the great scandal of his maj. in point of honour and justice. And the said sir H. in his Answer uttered several other words of scandal; which, though directly and immediately pointed at the lord marq. of Buckingham, lord high admiral of England, charging his lordship with matter of opposition against the said sir H. to his hindrance, ruin and overthrow; yet, by consequence, the same words reached his maj. and fastened a scandal upon his highness, in tolerating and giving way to those courses, supposed by the said sir H. to be injuriously wrought by the said lord marquis; glancing, and, in a sort, resembling them to the actions of Hugh Despenser, and comparing himself to Mordecai. After this the said charge was fully opened and pressed by his maj.'s council, the hon. court hearing the defence and examinations of the said sir H. to the same; but the day being far spent, their lordships did forbear to proceed to a sentence or judgment at that time. Afterwards the lords spiritual and temporal, on the 15th of May, after long and serious deliberation and conference, and upon due weighing of the speeches and words spoken before their lordships in this high court of parl. did with one assent, no man disagreeing, resolve, That the said sir H. was worthy to be censured by this court, for words spoken by him in this house, which did touch the king in honour; and did then also agree what censure to pass upon him for the same; but the day being again far spent, they proceeded not to judgment at that time, but ordered the said sir H. to be brought to the bar this day to hear the same; who being then at the bar, and the Lords in their robes, the lord chief justice pronounced the judgment in hæc verba:—The lords spiritual and temporal of this high court of parl. do award and adjudge, 1. That he, the said sir H. for his speeches uttered in this court, which do touch the king's maj. in honour, be fined to the king's maj. 10,000 marks. 2. That he shall be imprisoned in the Tower during the king's pleasure. 3. That he shall make such acknowledgment of his fault, and such submission to his maj. as shall be prescribed unto him by this court. The same to be made here at the bar, either in the king's presence, or, in his absence, at the king's pleasure."

This Judgment being given against the said sir Henry for his said speeches, which touched his maj. in honour; and the prisoner being withdrawn, the Lords took into their consideration, "That the said words and many others spoken here in this house, at the same time, by the said sir H. did directly tend to the scandal of the marq. of Buckingham, lord high admiral; and therefore, by their lordships appointment, the said sir H. was called in again, brought to the bar, and was charged with the same scandalous speeches by the king's serjeant and the attorney general. And, whereas, the greatest matter of averment, on his part, did depend upon a message which the said sir H. did affirm was delivered to him by mr. Tho. Emerson, from

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Giles Mompesson; the depositions of the said Emerson taken here in court the 8th of May, were read by the clerk, wherein the said Emerson did upon his oath, absolutely deny the said message: and the said sir H. having leave to speak for himself, without interruption, did not give the house any good satisfaction for the scandalous speeches here by him uttered against the said lord. Wherefore he being withdrawn from the bar, and the said marquis also having withdrawn himself out of the house, the Lords having long debated the matter, resolved, That the said sir H. was worthy of censure, for his false and scandalous words; and, being fully agreed about it, the lord marquis and the prisoner were called in again, when the lord chief justice pronounced sentence against him in hæc verba:—"The lords spiritual and temporal of this high court of parl. do adjudge and award, 1. That sir Henry Yelverton, knt. for his false and scandalous words, uttered in this high court of parl. against the lord marq. of Buckingham, lord high admiral of England, shall pay 5000 marks unto the said marquis. 2. That he shall be imprisoned. 3. That he shall make such submission, in this court, to the lord marquis, as this court shall prescribe."

This Judgment being given, the lord marquis freely remitted unto the said sir Henry, the said 5000 marks, for which sir H. returned his most humble thanks to his lordship. The Lords also agreed to move his maj. to mitigate sir Henry's fine, and h. r. h. the prince offered to undertake that office.—It is also very remarkable that no censure was passed upon him on account of the complaint exhibited against him by the Commons; nor does it appear that they ever resented the omission. Soon after the king wholly relinquished the fine due to him from sir Henry on the sentence; he was set at liberty; reconciled to the marquis; and was esteemed, says Rushworth, 'a man valde eruditus lege, in his time.'—In the succeeding reign he was made a judge of the common pleas. He was author of The Reports; his father was Speaker of the house of commons, an. 1597, see p. 895.

A message was sent from the Commons to put their lordships in mind of the Complaint against the bp. of Landaff, for an offence proved to the house of commons, by the testimony of Randolph Davenport and divers other witnesses. Wherefore the Commons demand judgement against him for the same. *Answer.* The Lords have been busied with many matters of great importance; but they shall hear from them shortly touching the said complaint.

*Proceedings against Edw. Floyde before the Lords.*] May 25. The abp. of Canterbury, first of the committee appointed by the house to take examinations in the cause of Edw. Floyde, reported that they had taken several, and were satisfied of the proof of the crimes objected against him; and moved the house that mr. Attorney general might read the said examinations. Accordingly, the deposition of 6 persons were read, and then it was ordered that Floyde should be brought to the bar the next morning, in order to proceed to judgment against him.

May 26. Edw. Floyde being set to the bar, the Attorney General charged him with notorious misdemeanors and high presumption: "1. In rejoicing at the losses which had happened to the king's daughter and her children. 2. For discouraging of others who bear good affection unto them. 3. For speaking basely of them. 4. For taking upon him to judge of the rights of kingdoms."—To the 1st, mr. Attorney shewed, "That, in Dec. last, Floyde, being prisoner in the Fleet, having heard that Prague was taken, did upon all occasions shew himself joyful and glad of that calamity and affliction which had happened to the prince and princess Palatine, the king's only daughter and her children."—As to the 2nd, the Attorney said, "That Floyde relating unto one Henry Pennington the loss of Prague, with the captivity of the king's son-in-law, his daughter and her children; he the said Pennington wishing that himself and all the convenient men of the kingdom were pressed forth not to return with their lives, till they had redeemed her from captivity: he the said Floyde replied, I am sorry thou art such a fool; and the said Pennington reproving him for saying so, Floyde replied, That if he had been out of his chamber he would have struck him."—For the 3rd, mr. Attorney shewed, "That the said Floyde, taking occasion to speak of these matters, did term the prince and princess Palatine, the king's daughter, by the ignominious and despiteful terms of 'Goodman Palsgrave and Goodwife Palsgrave;' calling him 'that poor lad;' and scoffingly, with great jollity, related a stage-play of the princess, running away with two children, the one under one arm and the other under the other arm, and the third in her belly, with the Palsgrave following with the cradle.—For the 4th, the Attorney shewed, "That one Abdias Cole going to preach one Sunday morning in the Fleet, the said Floyde called to him and told him that Prague was taken; and the said Cole answering, "That is little comfort to me. Floyde replied, nay, now we may freely speak it, I, or any noble-man, have as good a right to be king of Wales, as he, meaning the Palsgrave, to be king of Bohemia."—Here mr. Attorney opened "that point of the ancient oath of allegiance; of which oath and the danger to the offender in such case, the said Floyde, being a lawyer, could not be ignorant, and that therefore his offence was greater. That he, being a man of good estate, was a justice of peace in his country in the county of Salop; and, was put out of commission, as was affirmed to be true by mr. Baron Bromley then present; and also that this Floyde, having heretofore studied the common law, in the Inner Temple, where he was called to the bar, was put out of that society by the benchers."

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Floyde being then demanded by the lord chief justice, what Answer he could make to these misdemeanors wherewith he was charged? he began with a long discourse to traduce the persons of such as had deposed against him; but being demanded to make a direct Answer to the Charge, he said, 'I cannot remember that these words were ever spoken by me.' Whereupon the clerk read the depositions of 6 witnesses against him. Then the chief justice demanded of Floyde, whether he spake those words, 'Goodman Palsgrave and Goodwife Palsgrave? To which he answered, 'I spoke not those words in such sort as they are laid down in the deposition.' 'Did you speak those words or words to that effect?' To which he replied. 'It was but a folly for him to deny them because so many had proved them.' And being demanded whether he spake the other words, or used the insolent behaviour towards the prince and princess Palatine? he answered 'I remember it not.'

The prisoner being withdrawn, though the Lords were fully satisfied by the examinations and Floyde's Answers, yet, for order sake, it was put to the question, 'Whether Edw. Floyde be so guilty of the offences of which he is charged, as that he deserves to be censured?' It was agreed by all, *nem. diss.* But one part of the sentence proposed being whipping, some Lords objected to it because he was a gentleman; this was also put to the question, and carried for whipping. Another question was, whether he should have his ears nailed to the pillory? It was agreed, *per plures*, not to be nailed.

The form of the Sentence being then read and agreed to, the prisoner was brought again to the bar, when the Attorney General praying judgment against him, the lord chief justice pronounced sentence in these words:—"The lords spiritual and temporal of this high court, considering the great offence of the said Edward Floyde, do award and adjudge, 1. That Edward Floyde shall be incapable to bear arms as a gentleman; and that he shall be ever held as an infamous person; and his testimony not to be taken in any court or cause. 2. That on Monday next, in the morning, he shall be brought to Westminster-hall, there to be set on horseback with his face to the horse-tail, holding the tail in his hand, with papers on his head and breast declaring his offence; and so to ride to the pillory in Cheapside to stand two hours in it, to be branded with the letter K in his forehead. 3. To be whipt at a cart's tail, on the 1st day of the next term, from the Fleet to Westminster-hall, with a paper on his head declaring the offence, and then to stand in the pillory there for two hours. 4 That he shall be fined to the king in 5000l. 5. That he shall be imprisoned in Newgate during his life."

Warrants were given to the serjeant at arms and to the warden of the Fleet to see this Sentence quickly executed; and the paper to be on his head was to contain these words: "For ignominious and despiteful words, and malicious and scornful behaviour towards the prince and princess Palatine, the king's only daughter, and their children."—Cambden tells us, That every part of this Sentence was executed on Floyde; but the Lords Journals assure us, That some days after on a motion from the prince it was ordered, That the punishment of whipping, with all that belongs to it, to be inflicted upon Edw. Floyde, be suspended and forborn, until the pleasure of the house be further known; the rest of the punishment to be executed according to the former order. It was also ordered, That, hereafter, when any censure beyond imprisonment be agreed on, that judgment thereupon be not then given, but on another day, or sitting, that time may be taken to consider thereof.

*The King's Reasons for adjourning the Parliament.*] May 28. The Lord Treasurer declared unto the house, That yesterday his maj. advising with the lords of the privy council, hath thought fit, and so has commanded him to tell them, to adjourn the parl. at this time, for these causes: "1. The season of the year, by the continuance of this great concourse of people, may breed infection. 2. The use that this time of the year may require to have the lieutenants of the counties, and the justices of peace, in the country. 3. Because the courts of Westminster-hall have not had their ordinary proceedings this session. 4. For that the profits of his maj.'s revenues are, as it were at a stand. 5. The omission of the state." The reasons why he will adjourn it rather than prorogue it are these: 1. "For that the adjournment keeps a kind of being in parl. 2. Whereas many good bills are preferred and not as yet past, the adjournment reserves them in the same state they now are. 3. It will keep many laws in continuance which will end with the session, without a special provision be made for the same. 4. His maj.'s free and general pardon is not yet prepared; which he intends to the better sort of people as well as to the meanest. 5. Seeing there are so many bills exhibited, his majesty cannot, in so short a time, apply his mind to advise which bills to accept of and which to refuse." The Treasurer added, "That, as in this parl. his maj. hath already redressed the corruptions of the chief courts of justice; and, by his Proclamation called in the patent of Inns and Hosteries; and forbidden bills of Conformities, which were things very grievous to his subjects; so his maj. cherisheth the bills against Informers, against the abuse of Supersedeas, against Monopolies, against Recusants, and for Limitation of Suits, with an intent to perfect them. And he also proposeth to reform divers grievances to the people. Wherefore, his maj.'s pleasure is, That you perfect the acts in the house against Saturday next, especially that of sir John Bennet; and hath appointed Sunday next, in the afternoon, to hear any thing concerning other Grievances. That on Monday, June 4th, his maj. will send a Commission for the adjournment of this parl."

*Debate in the Commons touching the proposed Adjournment.*] On the same day, a si-

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milar Message was brought to the Commons by mr. Secretary, upon which the following debate took place:—

Sir *S. Sands* saith, that he thinketh it not now fit to proceed with bills, by reason of the shortness of the time we are to sit, but to consider of the grievances in hand.

Mr. *Hackwill* would that we should have a Conference with the lords, and to tell them, that we are of opinion, that it is fit we should declare, that those decrees, where corruption is proved, may have a bill of review, if the parties whom they concern will; and that they who bring this bill of review shall pay good costs, if the decree be thought fit to be confirmed: that all the bills committed may be reported and delivered into the house; and those that have not been thought fit by the committee to pass, may sleep.

Sir *G. Moore* saith, that the first reason of calling of a parl. was to redress mischiefs and grievances; and, since we want time to redress the mischiefs, he would we should forthwith take order to proceed in the course proposed for the Grievances; and that a calendar should be made of all the bills in the house, and that it should be therein set down how far the house hath proceeded in every one of them.

Sir *N. Rich* would have wished that by commission (as the bill of Subsidies did pass) some few general bills might pass, and that there might be a short bill or clause, that the sessions should not end, notwithstanding the passing of such bills.

Mr. *Secretary* saith, that his maj. considered and advised with the lord chief justice, and other judges there present, that some few bills might have been passed, and the sessions not to have thereby ended; but those judges said, it was a thing not warranted by any precedents.

Sir *Warwick Heale* saith, that there is a precedent in sir Tho. Sherley's Case, that a bill might pass, and yet the sessions continue; and also this sessions is a good precedent, for that we have passed the bill of Subsidies by commission.

Sir *E. Sandys* would have all those bills, that are engrossed, read, and passed before the recess; because otherwise, at our next meeting, they will seem strange and new to us.

Mr. *Alford* would have no order made, nor any thing put to the question of all these motions till after dinner, that then we might further consult what to do. Which motion was thought fit by the house to be followed.

Sir *Rob. Crane* would have us petition his maj. that we might sit till about the end of the term, that we might pass some bills, and not return without some fruit of our labours into the country; which will otherwise with a heavy heart pay the Subsidies we have given.—The house liked not this motion. In the afternoon of the same day, the house being in a committee,

Mr. *Crew* saith, that since it pleased the king to say, at the beginning of the parl. that we had dealt with him not merchant-like, and had given him a precedent of our affection without precedent, and that he would meet us more than half way in remedying our grievances; therefore he seeth not but that we may with good hope petition his maj. for our sitting a longer time. He would have us desire a present Conference with the Lords, that they and we might join in a petition to the king, that the parl. might continue till we had finished some good bills for his royal assent: that in queen Mary's time bills did pass, and yet the sessions continued: that we may have a clause in the end of the bill, that that bill might pass, and yet the sessions continue.

Mr. *Hackwill* saith, that in the 11th Rd. II. an act did pass, that, notwithstanding some bills did pass, yet the sessions should not determine: that in this king's time, in sir Thos. Sherley's case, it was resolved, that a bill with such a clause might pass, and the sessions not be determined. He would have us send to the Lords for a Conference, and desire them to join with us in a petition to this effect.

Sir *Ed. Sandys* saith, he would have us to desire the Lords to join with us in a petition to his maj. shewing how ready we are to pass divers good bills; what great grievances are come to the subject for want of such bills: that we are willing, notwithstanding the weather, to sit for the service of his maj. and the kingdom: that the Pardon may pass this house in one day, for it is here to be read but once; and, for the enlarging of the pardon, that may be easily done by striking out of certain restrictions: that the bill for repeal and continuing of statutes is already once read, and will be also soon ready: that we, at a conference with the Lords, should desire them to join in a petition to the king, that we might continue our sitting to the end of the term, because in this term there is but little business to be dispatched; for usually this term is but to settle and prepare business against another term.

Sir *R. Phillips* would not have us stand on the pardon, but (if it cannot be had so soon) to let it alone.

Sir *S. Sands* saith, that he will walk in a path not yet trodden in, and propound what hath not yet been proposed. He would have us to take 3 things into our consideration; 1st, his maj.'s honour; 2ndly, the good of the state; and 3rdly, our own reputation; and that in all these he would have us do something: that he never heard of an adjournment by commission; prorogations have used to be made by the king, or by commission, but adjournments have ever been by the houses themselves only: that the king said, he would meet us in the remedy of our grievances more than half way, and that made us engage his maj.'s word in the country, that we had more than hopes of a good success of this parl.; but now we shall be like the cursed tree, which bore fair leaves but no fruit, for at the first we had fair hopes: that, if we go now home without fruit, we shall be worse welcome than we were after the last

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convention of parl.; for, though that parl brought forth nothing, yet it parted with nothing: I wish that it had then given something, and that we had attended the fruit of it. He protesteth, that, if he had any other place to go to, he would not go into his country with empty hands; for if we go fruitless home, we shall be a mock and scorn to the country.—The Speaker having taken the chair,

Sir *Edw. Coke* reported from the committee, "That the whole vote of the house is, that, if we should part, as was this day propounded, we should go all away heavy: that the committee hath resolved to desire a Conference with the Lords about this; even to be humble petitioners, with their lordships, to his maj. to give us some further time, for perfecting of the special bills; to the comfort of his subjects." A message was sent to the Lords to this effect.

May 29. Sir *Edw. Coke* reported the Conference with the Lords touching the petition to the king for our sitting till the end of the term. He saith, that he told the lords that we shall not make a country farmer understand the difference between an adjournment and a prorogation: that for the general Pardon, it may soon be made ready: that there never was parl. that sat 15 or 16 weeks, and brought nothing to perfection: that there were never Subsidies given, but there were some bills of grace, and some bills for the good of the commonwealth which did pass: that after a prorogation the same parliament men are to come again: that in 30 H. I. the two parliament houses are called *commune consilium regis*: that we thought we should have sat longer, and till Midsummer, because the king in his speech said, we would be weary before Midsummer; whereby we took it, that we should sit till that time: that we, for these and other reasons alleged, do desire their lordships to join with us in a Petition to the king for further time. He saith, that the duke of Lenox answered, that their lordships would consider hereof in their own house, and that presently we should know their answer to our request.

Mr. *Alford* saith, that he hath seen an ancient roll of parliament, that the king ought not to end or break off the parl. when things are in hand and not concluded; and that, when we have notice that the time approacheth that the sessions shall end, then the Speaker useth to move the house that no more bills may be admitted, but that we may go on and proceed only with the businesses that are in hand. He saith, that he is therefore of opinion, that it is against the course of parl. that the king, in the midst of business, should break up the sessions.

May 29, p. m. The Lord Treasurer acquainted the House of Lords, That the lords of the privy council had attended his maj. that day, to whom he had taken notice, That after he had signified his intention to both houses for adjourning the parl. the Commons had prayed a Conference and thereby a Petition to be made to his maj. for a longer continuance of the parl.; to which the Lords as yet had returned no Answer. His maj.'s commands are therefore, "That though he is willing to hearken to any petition, which shall be made unto him by parl. yet, a petition of this nature cannot be pleasing unto him; it seeming to be a derogation of his prerogative, who hath the only power to call, adjourn, and determine parliaments.—That, out of favour to his people, his maj. had made choice rather to adjourn the parl. than to prorogue it; and therefore his maj. adviseth that a select number of bills may be chosen out, which he may pass, and either make a session, or an adjournment, at his pleasure. In which his maj. will advise with the judges, Whether the royal assent by commission to some bills, will put an end to a session; or, by adjournment, keep all other bills on foot in the same state as they now are. His maj.'s further advice is, "That the house do husband well the time; for, on Monday next he determines to hold his day either for the adjournment or prorogation of the parl. His pleasure is also, that those bills which have passed both houses be sent unto him before-hand, for the rest he will advise of afterwards. Lastly, that the business of sir John Bennet be hastened."

The prince moved the house, "That the Commons might be made acquainted with his maj.'s pleasure, signified by the lord treasurer; and of his maj.'s advice to husband well the time; and that if they have any thing more to say unto the king, that they do attend his maj. on Sunday next."—On this motion the Lords sent to desire a Conference, presently, with the other house: which being agreed to, and the Lords returned from it, it was ordered, That sir John Bennet be brought to the bar to-morrow morning, at 9 o'clock.

May 29, p. m. Upon the report of this Conference with the Lords being made to the Commons, the house was so discontented, that every man cried out "rise! rise!" and that without giving any answer to the lords, whether this did like them or not.

Mr. *Delbridge*, a Devonshire merchant, saith he will freely discharge his conscience, as becometh an honest man; and therefore professeth, that this message delivered us by the lords from the king, doth dislike him for his particular.

Mr. *Mallory* would have us return an answer to keep correspondency with the Lords; but, for all other businesses, he would have us let them rest.

Serjeant *Ashley* saith, that the prince did wish at the conference, that we should forbear to debate or consult of joining with the lords to get farther time.

Sir *Edwin Sandys* saith, he seeth the house is full of two passions, grief and fear; for his own part, he was never so full of either; that the country is in a dangerous taking: our religion is rooted out of Bohemia and Germany, and rooting out of France, unless God doth miraculously defend them: that trade is decayed and stopped in all the out ports (especially the



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Cinque Ports) so that, whereas they were wont to defend themselves and the kingdom, they are now become all such beggars, as the king must keep there a garrison to defend them: all the grievances of the kingdom are trifles in comparison of the decay of trade: that it is now no time to consult what to do, for we are too full of grief and fear: time may temper our passions; and therefore he would have us rise now, and send a message to the lords to-morrow.

Sir *Robert Phillips* saith, that we see religion at home in an ill case; and he prayeth God we feel not the danger of it.—A message was then sent to the Lords, to acquaint their lordships that the committee is returned with great grief to the house, and is now unfit to send an answer; but to-morrow we will send their lordships an answer. The house was so long debating of this message before they could resolve on it, that the Lords were risen. Sir Lionel Cranfield, master of the wards, would have spoken (the house being in this passion, and ready to rise) and began saying, he was in a great strait between his duty to the king, and his duty to this house; whereupon all the house cried out that we should send the message to the Lords (for yet it was not reported to us, that the Lords were gone, before the messengers came to deliver the message) and would not hear him: then sir Henry Vane, moved, that we should hear the Master of the Wards, but yet the house would not: then the Chancellor of the Dutchy, sir Humphrey May, moved, that we did overthrow the liberties of the house, if we would not permit every man to speak; but for all this the house still called out for the message; and so the house rose in a great passion and confusion.

*Proceedings against the Bishop of Landaff for Brocage in Bribery.*] May 30. House of Lords.—The first thing of moment the Lords went upon this day, was to hear the report of the earl of Huntingdon, one of the committee appointed to take examinations concerning Dr. Field, now bishop of Landaff. A collection was made thereof, which, with divers letters, sent up by the Commons, concerning that cause were delivered by his lordship into court. The bishop having withdrawn, the king's serjeant, Crewe, came to the clerk's table, and read the said collection in hæc verba:—"Edw. Egerton having a suit in chancery with sir Rowland Egerton, for lands of good value; and supposing he had some hard measure therein, was commended to dr. Field, now lord bp. of Landaff, for the procuring of some great friends to assist him in this cause. Upon conference between Edw. Egerton and the lord bp. about this matter, and to the end to procure such assistance and friendship, he acknowledged a recognizance of 10,000l. to the bishop, and one Randolph Davenport, a gent. belonging to the late lord chancellor; which was dated March 13th, in the 16th year of this reign. Whereupon there was a draught of a defeasance conceived, but not perfected, as it seems; by which it was agreed between them, That if, by means or mediation of the said commissees, or either of them, the said Egerton should prevail, either by decree in chancery, or at common law, to recover so much of the ancient inheritance of the said Edward, as is mentioned in the defeasance, then to pay the lord bp. or Davenport, or either of them, 6000l. within 2 years after.—On the 15th of March 1618, dr. Field writes a letter to E. Egerton, in the nature of a defeasance of that recognizance, which containeth, that the sum of 6000l. is for gratuities to such hon. friends as shall be made in his business, if he recover, by the power of those friends, his ancient inheritance; or, otherwise, a third part of whatsoever shall be added to that which had been formerly awarded to the said Edward in chancery. And, if nothing was done, then he promised, in verbo sacerdotis, to return the recognizance.—After this the lord bishop writes another letter, without date, to mr. Egerton, letting him know thereby, that there was a stay made of decreeing the lord chancellor's award till next term, by the means of one of my lord chancellor's gentlemen, who would have conferred with mr. Egerton, but that his leisure permitted him not then to do it; he therefore required some further warrant and direction to proceed in his behalf. Underneath this letter one Woodward, brother-in-law to mr. Egerton, writes this postscript, That he thinks his cause will do well, and that he hath assured the gentleman he shall find mr. Egerton faithful in his promise, and wisheth he would write back to Woodward to that purpose.—Woodward writes another letter to mr. Egerton without date, letting him know, that dr. Field is sorry my lord hath not sent an answer as he expected, but that my lord chancellor shall be moved this night for a stay of the decree; which he hopes to get by such means as he shall use; and that he hath assured him mr. Egerton would perform his promise.—Davenport being examined in this high court, touching the sharing the 6000l. betwixt him, Butler, the bishop, and others, saith, He himself should have had nothing; Butler was to have 2000l. and 1000l. was thought fit to be given to the lord chancellor; but his lordship knew not of it, and Butler dared not to move it. Davenport and Butler meant to have shared that 1000l. For the other 3000l. he knew not how it should be shared. The matter promised was a letter from the lord admiral, and a reference from the king to the lord chancellor.—Francis Joyner being examined in this cause, confesseth, he was the means to make mr. Egerton and dr. Field acquainted; and that the doctor had conference with Butler and Davenport about mr. Egerton's business; and that the doctor drew in the lord Haddington to be a furtherer of it. He spoke to the recognizance; and that the doctor confessed he was trusted from the lord Haddington, and that his lordship was to dispose of the money at his pleasure.—Tristram Woodward being likewise examined, confessed,

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Joyner told him dr. Field had friends at court: and how mr. Egerton was drawn to the doctor's house. The recognizance was taken for Butler and the lord Haddington, as he thinks; but out of it the doctor expected recompence, as he heard amongst them: and confessed he wrote the postscript to dr. Field's letter sent to mr. Egerton.—Edw. Egerton saith, "That he agreed with dr. Field for the recognizance, that he should have his land decreed to him: that 6000l. was to be paid on the event of the suit. He was to pay the money to dr. Field and Davenport; but how much each should have he knoweth not. He further said, That Woodward, his brother-in-law, and dr. Field procured him to acknowledge the recognizance; but he did not pay the charge of it: that dr. Field told him he would bring him to one Butler, who would procure an order from my lord chancellor for his relief in the cause as he would desire: thereupon the doctor demanded a recognizance of 10,000l. for payment of 6000l. when this examinant should have such an order from the court as he desired. The recognizance was entered accordingly; after which, this examinant finding no good thereby, demanded back his recognizance; when, after many delays, and a year's distance of time, he had the same delivered. Lastly, that Woodward told him dr. Field, capt. Field his brother, and Butler should have shared the money amongst them; but how, he knoweth not."

Then the king's serjeant read also the Proofs, which consisted of all the letters and examinations before mentioned. After which the bp. of Durham * stood up, and, in a speech, repeated the manner how this matter was first complained of by the commons to this house, with the several proofs thereof: but added, "That since there was nothing proved but an intent, at the most, he moved that the consideration thereof be referred to the abp. of Canterbury, and he to give the bishop an admonition for the same in the Convocation House." The archbishop (George Abbot) then rose up and said, "That dr. Field, the now bishop of Landaff, could not be excused from Brocage in Bribery; for which he was to blame: but hoped that he might bear his fault as dr. Field, and not as bp. of Landaff; and that, if it was referred to him, he would do that which belongs unto him.†

Whereupon it was ordered, That the Affair of the lord bp. of Landaff should be referred to the abp. of Canterbury, and he to be admonished by his grace in the Convocation House, before the bishops and clergy there. The Lords also taking into consideration the complaint of the Commons, touching this matter, agreed upon a message to be sent to that house, to this purpose: viz. "Whereas the house of commons informed this house of a great misdemeanor committed by dr. Field, now bp. of Landaff, and hath also sent since to demand judgment in that cause; the Lords having taken full examination thereof upon oath, do not find it proved in the same manner as, it seems, they were informed by examinations taken in their house. And, for further satisfaction of the commons therein, their lordships have sent them the examination of Randolph Davenport." —"Ans. The commons returned great thanks for their lordships honourable and just proceedings in the cause of the lord bp. of Landaff, and for sending the examination of Davenport; by which it doth appear, that his examination, taken by them, doth differ much from that taken upon his oath before their lordships."—Then the question was put, Whether the said bp. should take his place in the house before he received his admonition from the abp. or not? Agreed, per plures, that he should: Whereupon his lordship was called in by the gentleman-usher, and went to his place. Thus ended this Affair; of which, there is not one word in Wilson's Life of King James, or in Rushworth's Collections.

*Charge against sir John Bennet for Bribery and Corruption.*] The Earl of Huntingdon reported, That his lordship, and the other lords joined in commission with him, had taken divers examinations in the cause of sir John Bennet, knt. judge of the prerogative court of the province of Canterbury; by which they find him guilty of much Bribery and Corruption; of which a collection was made, and his lordship delivered the same to mr. Serjeant Crew. The earl of Southampton also made the like report, and delivered the examinations and collections of the Bribery and Corruptions, wherewith sir John was charged, to mr. Attorney General. Which collections, with the names of the witnesses examined for proof being read, sir John Bennet was brought to the bar. The king's serjeant opened the Charge against him by shewing, That the said sir John, being a judge, as aforesaid, and being directed by the law what fees to take for probats of wills, and unto whom to grant letters of administration, he had perverted the course of law for bribes; and, being therewith corrupted, he granted administration contrary to law. He charged the said sir John with these particular Bribes and Corruptions, and read the examinations of the following witnesses for proof thereof." viz., Rd. Luther died, 1619, intestate, without issue; Abigail, his widow, required administration and paid 44l. But being opposed by Tho. Luther, a brother, she, at two several times, gave sir John 44l. more; and yet he granted administration to her and Tho. Luther jointly

* Richard Neile, who had himself been complained of by the Commons, when bishop of Lincoln, for some expressions in the house of lords, tending to advance the prerogative royal. See p. 1159.

† The circumstance took place when dr. Field was only a private clergyman; nor does it seem to have injured his character at court: for, in the next reign, he was removed to St. David's, and, afterwards, died bishop of Hereford, in 1636.

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Proved by the examination of Tho. Tyler, W. Owen, and Abigail the widow. But before sir John joined Tho. Luther in administration with the widow, he promised sir John 100l. and, after he was joined, he gave him 120l. Proved by Tho. Luther. For allowance of the administrator's accompts, sir John had 100l. to distribute amongst the kindred of the intestate, and 50l. for pious uses, and seemed discontented he had not 50l. more. Proved by John Worsley and Abigail now his wife.—Wm. Bannister died intestate, 1615. His widow gave to sir John Bennet 30l. 16s. for administration. Proved by the examinations of Wm. Richardson and James Goodshall.—Hercules Wytham claiming to be executor by will, first gave sir John five broad-pieces; then Samford, sir John's man, undertook for 20 pieces more to his master and 2 to himself, to procure him a good end, which end, was against the will. Proved by the examination of Hercules Wytham."—sir Wm. Whorwood died 7 years past, Field Whorwood, a younger son, and a daughter offered to prove a will. Tho. Whorwood, the elder brother, offered to prove a second will. Badsor, the proctor, promised sir John 100l. for his hand to Field Whorwood, but paid only 34l. to him, and 6l. to his man Samford. Proved by John Badsor. Tho. Whorwood, by advice of Samford, gave sir John 38l. yet sir John gave sentence against him. Proved by Tho. Whorwood and John Batham."—George Sturges dying intestate, Francis Sturges, his kinsman, offered sir John, for administration, 20l. in gold, which sir John said was too light; then he gave him 40l. and had it granted. Proved by the examination of Rob. Davies, Rob. Sturges, and Rob. Labourne.—Philip Holman died 1619, Philip his son exhibited his father's will; a caveat being entered, he sent by Kelvert 20 pieces to sir John, which he accepted, and demanded 20l. more, which Kelvert promised but paid not: Proved by Philip Holman and Rd. Kelvert, proctor.—James Lingard died 1618, intestate; John his brother and James his nephew contended for administration; for 50l. paid sir John and 5l. to Samford, John the brother obtained it; which, afterwards, was revoked. Proved by Wm. Bass, proctor:—Rob. Sayers died 1618, intestate, his children minors; Simon Packhurst gave sir John, by direction of Samford, 20l. for administration, durante minore ætate; which was revoked two days before Packhurst was to have had a cause heard in chancery, which concerned that estate: Proved by Wm. Bass, proctor.—Henry Ryley died intestate, 1620, John Ryley sued for administration? he gave sir John Bennett 5l. and sir John procured from John Ryley 9 rings set with diamonds, which were pawned to the intestate for 30l. but were not worth 10l. Anthony Ashley and Tho. Wells, two kinsmen of the intestate, agreed with Samford to give sir John 30l. and 10l. to Samford, to get sir John to order them part of intestate's estate. Then he ordered them 300l. which John Ryley was forced to pay, and the said 40l. for a bribe to sir John and his man. Sir John had, besides, a piece of plate, which cost 4l. 16s. 6d. to change the great bond for true administration. Proved by Ryley, Ashley, and Wells.—Jane Corne, widow, died intestate, yet Francis Winscomb pretended a will. Sir John received of Wm. Pound, pendente lite, the widow's next kinsman, 40l. to grant him administration, which this deponent paid. Sir John would not give it unless he might have that sum. Proved by Lewis Lashbrooke. The deponent's administrators in trust to perform her will, for obtaining of administration, gave 50l. in hand to sir John, and their bond to pay 50l. more, 3 months after; and 25s. for forbearing the last 50l. Proved by John Lewis and Rowland Jolinson."

The day being far spent, the house was moved not to have any more read at that time; whereupon the prisoner was withdrawn, and it was ordered that he be brought there again to morrow morning. Accordingly on the following day, the house proceeded in the Cause of sir John Bennet; and the Attorney General charged him with the following proofs:—"That he received of mr. Meggs, on the behalf of mrs. Pitt, for the continuance of administration granted to her, and sought to be revoked, 46l. 13s. 4d. Proved by the examination of Edw. Willet.—He received of the widow of Hugh Lee, for administration of her husband's goods; wherein she was crossed by a caveat, put in by the means of Samford, sir John's man, 35l. Proved by the said Edw. Willet.—He received of sir Edw. Scorey, for the administration of his father's goods, 100l. Proved by sir Edw. Scorey.—He contracted with Edm. Walton to have 20l. for the administration of the goods of John Clovil; and, the money being brought, there fell 5l. more casually out of his pocket; whereupon sir John also claimed that, and would not grant the administration otherwise. Proved by Edm. Walton.—He received of sir John Brand, for administration of his grandfather's goods, 50l. and this was by way of contract, sir John pressing to have more. Proved by Tho. Newnam and sir Rob. Hitcham.—He took of Wm. Auchmore, for the administration of the goods of Philip Auchmore, 15l. Proved by Rd. Williamson: and of Tho. Allen, for the administration of his father's goods, 5l. Proved by the same witness.—He received of Solomon and James Mansell, for a dividend out of their brother's estate, 20l. and then gave them but 300l. out of an estate, of 8000l. having received from the widow of the intestate, as she confessed, 100l. to the intent that he should allot them no more. Proved by Solomon Mansell.—He had of Samuel Neast, for his favours in proving a nuncupative will of John Neast, 10l. and 5 peices at another time; and forced him to pay a debt of 514l. to one Fishborne, for which Fishborne had neither speciality, nor so much as a superscription of the testator in his book. Proved by S. Neast. He also received of the said Samuel, 60l. for

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making a report into the court of chancery. Proved by the same.—He received of Hester Mitchell, for administration of the goods of her father, 20l. Proved by Wm Bass.—Flower Hanshaw, widow, died intestate in 1615, possessed of a personal estate of 11,249l. 2s. 7d. and for the granting administration of the said goods to Benj. Hanshaw, he delivered unto Samford 200l. of which he verily believeth sir John Bennet had the greatest part; besides 90l. 7s. 7d. to pious uses. Proved by the said Benjamin.—Andrew Moor, about two years since, died intestate; the administration of whose goods was, by consent of one Clarke, and others, granted to the eldest brother of the said Moor; for which sir John had 60l. besides a gratuity given to Samford. Proved by Wm. Oland and John Ode.—Humphrey Rascarrock of Pinkley, by his will, made Philippa his wife executrix, and died 1616; which will being controverted, she first gave 20 old angels to sir John to have the said will proved in common form; and, for sentence, gave 4l. Proved by Rd. Williamson.—Dr. Tighe 13 Jac. made his last will, died, and made Mary his wife executrix, upon condition that she should prove the will in due form of law. Mr. Tighe, brother to the said doctor, could not have a copy of the will from sir John, until he had given him 10 peices; and afterwards, the said mr. Tighe having spent a great part of his estate about the probat of the said will, and, being delayed therein, one Lyster, sir John Bennet's man, said unto the said Tighe, That if he would give his master 100l. and a gelding of 10l. value, besides 10l. to himself, then his master, sir John, would sentence the will for him. Tighe answered he could not provide so much money presently, but he would give good bonds for the payment thereof: Lyster would not take the bonds, and told the other, if he would not bring his master 40 peices, that then dr. Bancroft, brother to the said executrix, should have sentence. Whereupon he procured 15 peices, and brought them to sir John; who would not accept thereof, saying, he would not take paper for gold. Upon this, administration of the goods of the said dr. Tighe was granted unto Mary his widow, by the procurement of dr. Bancroft; and Lyster said, that a halting proctor had brought gold from Bancroft, which had overweighed him. Proved by Tighe, Styles, and Moxley.—Sir Henry Middleton, knt. made his last will, and therein made David Middleton and Hen. Middleton his son, executors thereof. Alice Middleton, wife of the said David, did give 40l. to sir John to have administration of the goods of the said sir Henry granted to her, during the minority of the said Henry the son. Proved by Rd Williamson.—Mary Hawley, 6 years ago, died intestate, possessed of an estate worth 6 or 700l. Rob. Hanbury gave sir John 60l. or more, for the administration of the goods, as was confessed by John Wray, on his death-bed. Proved by John Fenwick, and Eliz. Hawley.—That mr. Ashton, by the hands of Philip King, did give to sir John Bennet's lady, a Spanish carconet, or girdle, about the value of 100 marks, for the kindness he had received from sir John in an administration. Proved by Philip King.—That Rd. Hawley, about 5 years since, dying intestate, and the administration of his goods being granted to one Kenbury, during the minority of his children, sir John had 20l. or 20 pieces given him by the said Kenbury. Proved by Tho. Gear.—George Scarlett, in 1615, died intestate: sir John would not grant administration of his effects unto Peter Scarlet, until the said Peter had given him 10l. in gold, in hand, and 5l. more to be paid shortly after; and it was paid accordingly. Proved by Peter Scarlet."

*Sir John Bennet's defence.*] The attorney general having read this charge, the lord chief justice demanded of sir John Bennet what Answer he would make to the same; who spoke as follows:—"I come in all humility, to prostrate myself at your lordships feet; if your lordships expect a speedy and perfect answer, at this time, I hope you will excuse me, as being surprized with such a tempest of affliction. The particulars of my answer must run thro' the compass of 19 years, the whole time of my being judge of the prerogative court of Canterbury; which doth constrain me to beseech your lordships to give me some time, not only to call to mind the acts of judicature of my own court, but also to confer with others. I humbly desire to have a copy of my charge, and, what I am justly charged with, I will confess, after I have had time to consider thereof. Those whereof I am otherwise accused, as of many, I desire, as by the law of nations I ought, to have liberty to peruse the accusations so exhibited, to use cross interrogatories, to procure witnesses to be examined, and to have council allowed me. Lastly, I humbly beg at your lordships hands, even for justice sake, time proportionable to the multitude of these accusations to make my answer; and I doubt not so to extenuate them all, that when your lordships shall see and consider the ground of them, you will not hold me so foul and guilty a man as I am accused for. I am the first ecclesiastic officer charged in this manner; and whereas I am accused of taking money to pious uses, amounting to a great sum, I will engage my life, that, upon proclamation made thereof, proof cannot be produced of 4000l. which is not above 200l. per annum, ever since I was judge; whereof, if I cannot give a good account, I will beg my bread all my life."

The prisoner being removed, the house took into their consideration these requests; and, after deliberation thereof, their lordships were pleased to grant the same, thus far, viz. "1. That he shall have time till the next access of parl. to make his defence. 2. Council to advise with only; but no council here in court to defend his cause. 3. Liberty to examine witnesses, ex sua parte; but not to examine any upon cross interrogatories; and his witnesses

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to be sworn in this court, upon such interrogatories as he shall deliver and the court allow. 4. To have copies of the heads of the charge; but no names of any witnesses or proofs. 5. To have leave at the hearing to take exceptions unto the witnesses produced against him; and their names are to be delivered to him at that time. 6. Liberty to search the records of his own court, and his own writings."—It was also ordered, "That sir John Bennet may be admitted to bail, on 20,000l. bond, to be taken in court, with such sureties as the court shall allow of; and if he cannot procure such bail, then to remain prisoner with the sheriffs of London."—The prisoner being called in again, and at the bar, the lord chief justice told him how far the Lords had granted his requests; and also that their lordships were pleased he should be bailed as above. The chief justice did also admonish him not to impair his estate, but that it remain in the same plight as when he was first complained of in court: Likewise to satisfy mrs. Scorey for 1100l. which he had of her money, left with him as a deposit; and to pay off the 1000l. which remains in his hands of sir Tho. Bodley's legacy to the university of Oxford.—Unto which sir John answered, "I do acknowledge the honourable favor of this court, in the goodness and grace of God to put me into your hands, and these favours towards me into your hearts. Mrs. Scorey's money I confess due, and will give her satisfaction for the same. As for the other 1000l. I have performed as much as sir Tho. Bodley required; having laid out other monies for the university of Oxford, which I intended to have done, whatsoever I may do yet, had not these cross misfortunes happened. As for my bail; I am in debt and disgrace, and doubt whether I can procure bail to enter into so great a sum. I humbly beseech your lordships that myself may be bound in 1000l. and my sureties in 1000l. more."—The prisoner being withdrawn, it was put to the question, Whether the former order touching his bail should stand, or be altered according to his request? And it was agreed the ordor should stand.—Let us now see what was passing in the House of Commons.

*Further Proceedings touching the proposed Adjournment.*] May 30. Sir *G. Moore* desired that there might be a clause added to the bill for the Continuance of Statutes, to this effect, that notwithstanding this session doth end, yet the bills may continue in the same forwardness which they now are in.

Sir *B. Rudyard* saith, that we are much bound to his maj. for his grace and favour in giving us leave to touch businesses of a high nature, and in them to go so far as to meddle with great persons, on whom we have passed judgment; which judgment is better far than many good laws, for laws will fall asleep, when the fright of those judgments will keep men awake to do their duties. He desireth, that we may so temper ourselves and passions, as that we may part out of this house like a sweet odour.

Sir *Rich. Grosvenor* saith, that we have hitherto sang nothing but *placebo*, and danced to the king's heart; but it hath now pleased his maj. to change this tune, and make us sing nothing but *lachrymæ*, and dance *hath to depart*. He wisheth our breasts were transparent; for then he would not send us home with such a hazard of all our safeties and reputation to those who sent us hither. Where we are now, our fortune hath placed us: where we would be, our hopes carry us. He would have us rather to trust the king with the whole, than to let us go with so small fruit of so great labours, and that we would not now meddle any further with any bills or grievances.

Sir *Rob. Phillips* saith, he knoweth not whether he shall ever be of this house again or no, and therefore will now speak freely his conscience; that he believed, at first, that this parl. would bring forth a happy success. He ever believed, that God's glory could not be maintained but by the spreading of the true religion: if those of our religion suffer abroad, it will defame and scandal our religion; for corruption grows apace. We would have us consider of 5 things. 1. Of our Religion at home; and, for the state of it, he thinketh, that since the Reformation, the Papists were never more impudent and daring than now; and, if please not his maj. to have some care of it, it will grow shortly to an equal balance, which are the greater number of Papists or Protestants. 2. For the honour of the king's children: this part of Christendom never received a greater blow than in the loss of Bohemia. He prayeth the king be not deceived in his hopes of bringing that business to a good end; for now we see, there is a labour to bring all Christian Religion under the govt. of the Archduke. 3. For the honour of the kingdom; it hath been the honour of this kingdom not to bear an ill word; and shall we now take such a blow as that which hath been given to the king of Bohemia, and our king's children, who (we may say) are relieved by the alms of others? 4. For the commonwealth; which if we consider in its wants and grievances, he thinketh, the parl. was the only physician to cure the desperateness of the disease. In this it pleased his majto say, that, if he had known them, he would have remedied those grievances of our hearts; but in the way of this gracious offer of remedy it hath pleased his maj. (for causes best known to himself) not to divert, but to retard the same. 5. We are to consider of the course left to be held as we now stand; which is to be considered in 2 things: 1. What we shall presently do: 2. What we left last night to be done, touching the Message to the Lords. For the 1st, since the king hath tied us to Monday, in which short space we can effect no good business of any importance, he would have us set down the state and grievance of this kingdom, and lay the same at his maj's. feet, to dispose thereof as he list: for the 2nd, that we should tell their Lordships we shall ever continue a good affection to the maintenance of the good correspondency between us and their Lordships,

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Sir *Tho. Wentworth* saith, that he will speak without fear of any. He conceiveth, that the king's resolution is immoveable; and we are now to resolve either to do nothing, or else to be active and effect what good we can. He thinketh it dangerous to give over thus, leaving a kind of ill understanding between the king and his people. He would have us send to the Lords, to desire their lordships to pass those bills they have in their hands with speed, that we may do as much as lieth in our power to satisfy the people, who have paid their money; and he doubteth not but we may pass 12 bills at least.

Mr. *Wrenham* saith, he conceiveth with sir R. Phillips, that the greatest bond of unity is religion; and those princes who have the same religion should assist each other: for how can we think that the open enemies of the Bohemian, the Low Countries, and other parts, where the people are of our religion, can be friends to us? The poet teacheth, that 'Tunc tua res agitur paries cum proximus ardet.' Nature maketh sheep flock together against the approaching of the wolf. He would have us go to the Lords to desire them to join in a course for the safety of our religion and the king's children.

Mr. Secretary *Calvert* saith, he wondereth that his maj.'s message is so taken: that it hath ever been the use, that the king hath appointed the time of the end of the parl. as he doth call it and appoint the beginning of it. He confesseth the dangerous state of religion at this present; but our disunion is not the way to remedy those dangers of the state. This parl. hath married the king and the people, by a right understanding of each other, and cursed be such as seek to part it.—At this wish of mr. Secretary, all the house cried Amen! and then he desired, that we should go on, and do something in this short time.

Dr. *Gooch* saith, that it is discovered, that our religion suffers, our ordinances are bent against us, the justice of the kingdom is corrupted; and is not the time yet come that we should redress these grievances? The merchant says, he can trade no more: the artisan says, he can work no more. The one says, it is because every pack, every pedlar is trading beyond sea: the other complaineth, there are too many monopolies, too many proclamations. There were a people brought out of a great deal more danger than we are in, and came near the land of promise, yet could not attain to it. He thinketh the time is not yet ripe for us, nor this the place to give a remedy to the said grievances; and therefore he desireth, that we sit down and hope for a better time.

Mr. *Solicitor* saith, that he is of opinion and full of hope, that this is the parl. that shall end, as it began, very well, and give a remedy to our grievances. He saith, the commonwealth is full of diseases, but they are not past cure. He would not have us sit and do nothing, because we cannot do all the good we would do. The time of parl. is wholly in the king's hands and appointment, and we have received a message for the breaking up of this sitting, for reasons of state best known to himself; and he hath graciously offered to remedy our grievances, and would have us present them to him. He desireth, that we should prepare a bill, that our proceedings may be continued, although the sessions doth end. He would have us, if we cannot prepare things as we desire for the end of the sessions, rather embrace the king's first proposition than the last.

Sir *Wm. Spencer* saith, since we can effect nothing in this so short time, he would have us send to the Lords, to acquaint their lordships, that we purpose to adjourn our house till Monday, and then to go to the king.

Sir *Wm. Herbert* saith, that he once hoped, that this parl. which had so good a beginning, should not have had so much discontent in the end, and we have so little fruit of our liberality.

Mr. *Afford* saith, it is not possible for us to do any thing by bills or by petitions of grievances, that may do any good for the kingdom. At first we found the king so gracious, as he never saw any prince more favourable; and the lords so willing to set forward to remedy the grievances; but since Easter all hath been cold and quailed. He wisheth, that private respects mislead not to the hurt of the public. He desireth, that we would join with the lords in a petition to his maj. that we may have a meeting again after Michaelmas, and to get some promise thereof from the king under his hand.

Mr. *Crewe* saith, he would not have us to join with the lords, to petition the king for our meeting again after Michaelmas, for that is questionless wholly in the power of the king. We have given freely two Subsidies to the king, albeit we were never less able to give it. We went down before Easter with St. Hilary joyfully, but now we shall go with heavy hearts: that he never knew, after so long a sitting, an adjournment, but still a sessions, nor subsidies given without a general pardon: and is sorry they must now be severed: that there are passed both houses some bills, and others are ready to pass. He would have us confer with the lords, what bills they have ready to pass, and to proceed accordingly.

Sir *Ed. Giles* saith, that we shall be worse welcome into the country with nothing than with a few bills. If there be some who have laboured to break off this parl. they will rejoice to see us thus discontentedly and disorderedly to break off. He would have us to go to the Lords, and desire them to hasten the businesses and bills they have, and that we would do as much good for trade as we can.

Sir *Rob. Crane* saith, that he should like well that we should proceed with the matter of trade, if we saw there could be any good success in it; but we have sat here these 13 weeks, and have had several meetings for trade, and yet are we no nearer a good success than we were at first: that we have given two free Subsidies; and they are like to prove a free gift

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indeed. Whereas it is alledged, that the king hath need of his council, we shall willingly yield that they go to attend his maj.'s service: here are other honest hearts besides to go on with the businesses here in hand. He desireth, that we should confer with the Lords, touching our joining in a Petition to the king, and representing to his maj. the dangerous estate of the kingdom; beseech him, that he will be graciously pleased to give us leave to sit a longer time.

Mr. Serjeant *Ashley* would have neither bills or grievances presented to the king, because the bills that are ready to pass, though they are good, yet they cannot give that satisfaction to the country, as the country expected; but would have us leave them and the rest of the business of the house so as we may find them in a good case at our return, when it shall please his maj. to call us.

Sir *Ed. Cecil* saith, he observeth this house is divided into 3 sorts of speakers, free, silent, and reserved speakers: that it hath been a good testimony of the worthiness of this house, that at the first we went on so well, and were so well approved of. It is true he hath heard, and doth believe, there have been ill offices done to this house by some member of this house; for, at first sitting, while the king's ear was open to us, there was a good harmony between his maj. and us; but by the carringe of some ill messages the king hath been misinformed. He desireth we may have a Conference with the Lords to join with us in going to the king, and to let his maj. understand the hearts of this house.

It was on this motion resolved, that a message shall go to the Lords, to desire a free Conference with them, touching the accommodating of the present business of this parl. which message was accordingly sent by sir Ed. Cecil, who reported, that the Lords had appointed a meeting for the free conference, and that they would have it be of all the members of both houses, and the time at 4 this afternoon, in the Painted chamber.

May 30, p. m. Sir *Nath. Rich* saith, that it is our grief that we are denied access to the king, who hath said, he would be sorry to deny us any thing, and that his maj.'s ears are stopped that he cannot hear us. We believe, and know not but his maj. is persuaded, that we are well pleased to give over; wherefore he would have our desire to sit here longer represented to the Lords, that the king may know it. The trade of the kingdom is declined so, as the king must keep garrisons in the Cinque Ports; for all the inhabitants there have, and are ready to leave them. As for bills, he would not have us present to his maj. a few bills; for he had rather that the kingdom should think that *parturiunt montes*, than that we should bring forth a mouse. As for Grievances, he holdeth, that they are not ripe for to be presented to the king; and therefore he would have no Grievances to be presented, but only the grief of our hearts. If the good bills which are in the house may be perfected, than he would have us go on with them; but he would have us desire the Lords to join with us, and to go with us to the king, to represent the lamentable estate of the kingdom, the decay of the trade of it, the danger of the safety of it and the king's honour.

Mr. *Neale* would have us propose to the Lords those bills which are passed, and those others which may be passed, and to desire their lordships expedition of the same; for he thinketh, that, without passing of so many bills as we may, we shall give no contentment to the places we serve for.

Mr. Recorder *Finch* would have us make much of the mother (the parliament) whatsoever becometh of the child (the business); for, though it perish in the birth, yet the mother may have more issue; and therefore would have us part well, and so hope of farther issue. He would have us pass as many bills as we may, for they are not to be taken as a retribution: that the king is tied to further an act for the good of religion. He would have us also express our griefs, that we want time to pass more bills, and to desire their lordships to join with us to further those that may be passed, and are best worthy of the passing.

Sir *Ed. Sackville* would have us pass those bills which are ready, and prepare as many more as we may make ready; for, if we rise on a discontent, we shall repent it; for that may be an occasion that we shall not meet again after the recess.

The *Master of the Wards* saith, that those who would have us rise discontented will do the country as ill service, as they hope to do good by a longer stay: that time will manifest, that the king hath more than reason to do what he doth: that there was never better shipping in England, than now there is. As for trade, he purposed to have made it his masterpiece, for he hath been bred in it, and would have spent his life to have done good in it; but the state of trade is not so bad as it is alleged to be, and some of the out ports never had better trading: that to part discontented is not the way to effect any good thing, and no private man's estate can be sure, when the public is not assured.

Sir *D. Digges* saith, that at the free conference their lordships did desire the continuance of the correspondency between both houses; but they expected (it being a free conference, and desired by us) that we should have spoken of some particulars: that to-morrow their lordships will send us a note, how the state of the bills and other businesses in their hands do stand.

May 31. Mr. *Alford* moved that all our bills are to take effect after the end of the sessions; so as, if this be but an adjournment, then those bills (which some would have pass, notwithstanding the sessions doth not determine) cannot take effect till the end of the sessions: and, if it be now a sessions, then all the business is behind hand, and must be begun anew.

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Sir *Edw. Coke* saith, that there are some of our bills which are to take effect from henceforth, and they are to take effect from the beginning of the parl. when they are passed the king's royal assent:—that Hen. VII. was in 1. regni sui attainted of high treason; but as soon as he came to the crown, that attainder fell to the ground: that in 1 H. VII. bills did pass the king's royal assent, and yet the sessions continued. The Grievances are not yet ready to be preferred, and the ancient use hath been, that when the petition of Grievances was presented, then commonly there were also presented some bills to take away the same: and, if the bill against Monopolies and that against Concealments be not prepared, it will be to small end for us to present any Grievances: that it hath not been the use to present Grievances by fractions, but we must do it thoroughly; for, if it be done by halves, the king may have good reason to deny us. He wisheth therefore that we should embrace the king's first offer for an adjournment rather than a sessions.

Sir *Ed. Montague* would have us return humble thanks to his maj. for his gracious message, and to acquaint the king, how that we cannot, in so short time, prepare the Grievances for his maj.'s consideration.

Mr. *Hackwill*, concerning the adjournment by commission, saith that there is no question but this house may adjourn itself; yet it was a question in 1 Jac. but then it was resolved on, and a precedent vouched in the time of queen Mary, that this house might adjourn itself: that in 27 Eliz. there was a commission for adjournment of the parl. but this house did then adjourn itself, on notice by a message from the Lords: that the commission of adjournment was read there, and so is the use still: that, during the adjournment, the wages of the knights of shires and burgesses do continue to them and the members of both houses are still to have freedom against arrest, both for themselves and their servants: that in a year book of 33 H. VIII. queen Catherine Howard was attainted: that in 21st Oct. there was one parl. and that in 23rd Oct. in the same year there was another parl.; for it was the judges' opinion in those days, that every passing of the royal assent was a sessions: that in 1 and 2 of Mary the house was of opinion, that the giving of the royal assent did not make a sessions; and in the parl. cardinal Pole's bill was passed, and yet the sessions continued, for there were divers other bills that passed afterwards in that sessions: that there cannot be a royal assent but we are to be present.

Sir *Ed. Coke* saith, that the royal assent doth not make a sessions, unless the lord chanc. or lord keeper doth say, at the passing of the royal assent, that this shall be a sessions or prorogation of parl.; but, if he say no such thing then it is to be no sessions.

Sir *S. Sandes* saith, our end and necessity is to enable the subject the better to live: the opening of trade, the advancement of our home commodities, and the increasing of commerce between man and man. These things are the most weighty causes of the parl.; and he wisheth, we should rather embrace an adjournment than a prorogation. For the manner of the adjournment, there hath a commission used to come from his maj. to the Lords, but it hath been only to declare his maj.'s pleasure that we should have an adjournment; but the Lords themselves, and so this house by ourselves, have ever used to adjourn the sitting, after that the king's pleasure hath been signified, that there shall be an adjournment.

Sir *Ed. Cecil* moveth, that he might join with the Lords to acquaint the king with the state of the business of this house, and that we are content and part without grief. He feareth, that there are some amongst ourselves, who do pick out the worst of every man's speech and words (as lately of sir Edw. Coke's) without remembering the good service, that any one doth to the king and this house. He would have us represent so much to the king by our Speaker; whom he would not have use such large preambles nor eloquence (whereof we have no use nor need) but to go to the purpose.

Sir *D. Digges* saith, that it is true, that it appeareth by the Custom books, that trade is as good as ever it was; but the gain of trade is not so good as it was wont to be; for trade hath an inward disease, impositions and the like, that hath marred and decayed trade.—It was then ordered that sir D. Digges shall speak at the Conference with the Lords.

Sir *Ed. Mountague* saith, that he would have no bills to be passed at this adjournment; and he thinketh it will better content the country, when as they shall understand that this is but a cessation, and that the parl. doth continue, and we still enjoy our privileges from arrest and the like as if we did still sit in parl.

Sir *Rob. Phillips* would have no bills passed this adjournment. He saith, he must say he goeth home with a sorrowful mind; but not with a repining sorrow, but a sorrow that in all this time we have brought forth no fruit for the good of the king and the kingdom. If we should offer to have bills passed, and the king should not, at this time, give way to some special bills which we desire to have passed, then this will breed in us more discontent than if we had offered no bills at all to be passed.

Sir *Edw. Coke* saith, it is a maxim in law, that every court must adjourn itself; and, if there be a commission to adjourn the parl. then the adjournment is not good; but the commission should be to declare his maj.'s pleasure, that we should adjourn the parl. A commission to adjourn alone is not good; but, if the commissioners and members of parl. do join, they may adjourn either or both houses.

Sir *Tho. Rowe* would have no bills at all passed, because it is questionable whether the sessions do not end then or no; for mr. Hackwell did deliver precedents of judges' opinions on both sides.

Mr. *Delbridge* would have no bills pass, but, because trade is much decayed, and lieth a



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bleeding, he would (to give some satisfaction to the country) that there might be liberty given to trade freely, according to the law, notwithstanding the patents and monopolies which are granted, and that the impositions laid on trade, since the last parl. may be taken off till that time; for now the charge laid on trade is such, that none can make a living by it: that, if a merchant trade with 100l. he shall pay for custom and fees outward and homeward of this 100l. 25l. to the king and officers: that customs are raised; and, whereas they paid of late for one kind of merchandise 2s. they now pay for the same merchandise 2s. 8d. It is true (as the master of the wards said) that it seemed by the Custom books, that trade is as good as ever it was; but that is, because Custom is raised, not trade increased.

The *Master of the Wards* saith, it is true he meant mr. Delbridge, when he said that he knew the trade of the town, for which some member of this house serveth, to be as good as ever it was: that he, on search, found the trade of that particular town doubled of that it was wont to be in the queen's time, and better than it was at the king's first coming; and this he hath found to be, not by the increase of the Customs, but allowing all late impositions: that he is confident still, that trade in general is not decayed, but in some particular places it is: that trade is as great as ever it was, but not so good as ever it was. As to the raising of 2s. on a bays to 2s. 8d. it was on petition remitted by the king to that particular town: that, if we had had a fortnight's liberty more to sit here, we could have done no good for trade: that against our meeting he will so prepare trade, as it shall pass then more speedily and the better: that neither the king's business nor our's is done; for the two Subsidies have been in substance no more than one Subsidy and two 15ths: that jealousy well grounded is wisdom: but, if it hath not good ground, it argues an ill disposition. He doubteth not, but that we shall meet again to effect what we have begun.

Sir *D. Digges* saith, that mr. Delbridge spake and meaneth, to his knowledge, that the trade of the manufactures, which are made in the town for which he serveth, is decayed.

Sir *E. Sandys* wisheth, that the king be not wronged, for here is no man that wrongeth his maj.: that there is no man here discontented; but here is no man here that will undertake, the country shall not be discontented: for want of money and trade will discontent them; and, though we shall all of us in duty palliate our discontent, yet his maj. would not have us to palliate our intentions and desires. Poverty, and want of money and trade pinch the kingdom at this time, and what are the bills which are passed (against Drunkards and for keeping the Sabbath) to remedy these wants? but, if we could have the bills against Informers, Monopolies and the like, he should have been glad to have them passed. Hope of passing good bills at our next meeting will content more, than the effecting such bills as are passed.

Sir *Dud. Digges* doth recapitulate his conceit of what the intention of this house is, concerning the free re-conference, wherein he is appointed principally to confer; and desireth to be rectified, if he conceiveth it not right. That he shall hear and not propose: that he shall confer to have an adjournment: that we will not meddle with Grievances: and that he shall shew, the inclination of the house is to have no bills passed: that he shall confer of these things, but not conclude any thing: that he shall shew the reasons, why the house hath such an inclination; and in a declaration to touch the business of the house.—It is then ordered, that he shall speak and treat of these things, and in the same manner, as he hath recapitulated them.

Sir *Ed. Sandys* would that sir D. Digges should shew the reasons why we incline to have no bills: first, to maintain the king's honour; for, if we bring down these bills and no more, the country will think we could get no more: 2ndly, the reputation of the house; that we have sat thus long, and shall pass not above ten bills, which will be the most we can dispatch in so short a time: 3rdly, the keeping of the people in content; who may mutter, if they see no better fruit of the charges they have been at.

The *Master of the Wards* saith, that we have to deal with a wise king, and one that can apprehend quickly when he is abused. For the reasons set down by sir E. Sandys: 1. He saith, that sir E. is mistaken; for it cannot be (as he saith) for the honour of the king, that we shall refuse to pass any bills, when as his maj. at our request, hath yielded to pass bills. 2. That it cannot be for the reputation of this house, to be so inconstant, as first to desire to pass bills, and then to desire not to pass bills. 3. For the content of the people, the bill against Informers, and that concerning Supersedeas (as he hath heard) are better than a general pardon.

Sir *Ed. Cecil* interrupted the master of the wards, saying, he was sorry to hear him in such manner to go between the king and us, and to say, that that which we have intended for the honour of the king is only to delude and abuse the king; and to tax the whole house, in such a fashion, of inconstancy and pettishness. He hath heard, that there were some of this house, who did the house ill service by misinformations; and we may justly suspect it, since here openly our speeches and intentions are wrested to the worst construction.

Sir *Ed. Sandys* saith, that the message delivered here from the king, by mr. Secretary, was, that his maj. thought it would be best for the house not to pass bills; and therefore what himself had spoken was but in prosecution of the king's thoughts and opinion.

The *Master of the Wards* saith, he spake but his opinion, as sir Ed. Sandys had done his; and that it was but his opinion, that not to

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pass bills was not for the king's honour, as it was the other's opinion, that it would be for the king's honour not to pass bills. He wisheth, that he may prosper as he hath done and laboured to do to the king, and otherwise, all good offices for this house.—We shall now return to the Proceedings in the House of Lords.

May 31. The lord treasurer reported the Conference with the Commons, yesterday; wherein his lordship shewed how lively they expressed the sorrow of that house for the adjournment of the parl. "Three things at the Conference he particularly remembered: 1. Their time and diligence employed in this parl. 2. The matter of importance there handled. 3. Their desire to have finished them; with an enumeration of a mass of business which they have entered into. They also expressed their grief and passion, that they could not perform what they had promised for the good of the common-wealth, and their earnest desire that the like correspondency might be held between them, which had subsisted all this parl. They desired to know how bills rest with us, that we may also learn how bills are with them, to the end such bills may be prepared as are fittest to pass; and that we may advise together what course is to be taken, not only touching the bills, but also such other matters as they have now in hand."—The Lords then sent a message to the commons, to desire another free Conference with them about the same subject. At the same time they sent down to them the bill touching the adjournment of parl. which they had passed, and specially recommended it to be expedited with all possible haste in their house. This was a bill of a very extraordinary nature; but there was no occasion for it, as will appear in the sequel.

May 31, p. m. The Lords then considered that they were to meet the Commons, at a Conference, that afternoon; and it was agreed, That, if the other house should make any new propositions, to give them no answer at that time, but to consider thereof. It was also agreed, That the lord treasurer should report to them the state of the bills, as they stand here, and to require the same account from their house; to the end that those bills may be prepared for the king's assent, which are most necessary. Likewise to make report to the house of this conference. Accordingly, The Lords being returned from the said Conference, the lord treasurer reported the same, "That, after each house had acquainted the other with the state of the bills, the Commons desired to have no royal assent to any bills at this time; because they do not know which to choose or prefer before another. They gave also many reasons to have an adjournment without the royal assent; and desired that the parl. might be so adjourned, as that each house may have power to accommodate business against the next access."

*Difference between an Adjournment and a Prorogation.*] A motion was made, that the judges be ordered to distinguish between the adjournment of a parl. by the king, and an adjournment by the houses. Whereupon the attorney general came to the clerk's table, and read the precedents of the 27th Eliz. for the adjournment of a parl. by the queen's commission: and, having many more precedents to read of the like nature, it was ordered that they should be read the next morning: also the lords, who were the sub-committee for customs and privileges, were ordered to search the records for precedents of the form and manner of adjournments of parl.

June 1. Mr. Attorney General read divers more precedents, out of the journals, of the forms for adjournments of parliaments. He shewed the difference between an adjournment and prorogation; and that the word *prorogare* is oftentimes used for *adjournare*; but the latter word never for the former. He shewed also, that a parl. being adjourned by the house, all committees were still of force, and the bills remain *in statu quo prius*; but an adjournment, by commission from the king, determines all committees, and they cease till the next sitting of the court; but the bills are preserved *in statu quo prius*.

Then the books and writings belonging to the Gold and Silver-Thread affair, which were found in the office kept for executing that commission, and brought into parl. were ordered to be delivered back to sir Edw. Villiers. And it was also ordered, That it be signified to the commons, that the Lords do find him clear of those matters, mentioned by them in their declaration.

The lord chief justice was ordered to admit sir John Bennet to bail, for his appearance there at the next access of parl. himself to be bound in 7000l. bond, and ten gentlemen, nine of which were knights, in 1200l. each.

*Further Proceedings touching the Adjournment.*] June 1. In the Commons, sir *Edw. Mountague* saith, that the lord treasurer said, that, when the parl is adjourned by commission, declaring the king's pleasure, all businesses are to cease, and nothing is to be done in that cessation; but it is otherwise, when we of ourselves, without having the king's pleasure, do adjourn the parliament.

Mr. *Noye* saith, that he never heard that there was a difference of an adjournment made by the house only, and an adjournment made by commission by the king. If the king alone do adjourn the parl. then it is a determination of the sessions: if the parl. be adjourned by ourselves, we may meet again of ourselves; but, if it be an adjournment by the king alone, then it is an end of the sessions, and we cannot meet again, but on signification of the king's pleasure: that in the lord Dyer's time it was resolved, that, if an adjournment be by a record, it is an end of the sessions; but, if it be but by a remembrance, it is otherwise: but it is ordinary, that there is a commission from the king to adjourn the parl. but we do adjourn it of and by ourselves, and make a remembrance of it, and of the continuance of

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the sessions here in the house. If the sessions end, many statutes against hunting, and others, will be discontinued. He would have us be suitors, that the adjournment may not be on record by the king alone, but may be made by the several houses; for that it might otherwise breed a great question, whether the sessions determine or no; and his opinion is, that it doth determine the sessions. In the journal of this house, in 27 Eliz. it is expressed, that there was a committee appointed to sit in the time of recess, when there was an adjournment by commission from that queen to adjourn the said parl. and that, notwithstanding this commission, this house did (on notice of the same from the commissioners, being some of them attendants on the upper house, when the said commissioners, who brought the said commission, where gone forth, and their message declared to us by the speaker of this house) adjourn the said parl. as all other courts do use to adjourn themselves.

Mr. *Mallet* saith, that in 4 Ed. IV. there was a writ sent by the king to adjourn the term; and thereon the judges did adjourn the term: and it hath ever been the use of all courts, that the judges have adjourned the term, though the king send a writ to do so.

*The King's Speech to the Lords, touching the Adjournment.*] June 2. The king came to the house, and, in a speech to the Lords, took notice, "That upon Monday last he sent a message to them, and another to the Commons, declaring his royal pleasure for the adjournment of the parl. and the reasons thereof. He gave them thanks for their obedience to the message, and the acknowledgment of the king's power to call, adjourn, and dissolve parliaments: for not joining with the commons in a petition to his maj. as they desired, for a non-adjournment at this time: also for leaving the form of the adjournment unto him; and for expediting the bill which his maj. sent touching the adjournment.—His maj. also took notice of the form of adjournment, discussed in that house yesterday, and that the opinions of the judges are, That the adjournment by the king keeps the parl. *in statu quo prius* until the next sitting; but that then no committees were to meet: but if the adjournment be by the house, then the committees and other matters do continue. That, in these matters, the judges and his attorney are to be heard in that house; but yet the privileges and liberties of the Lords were to be maintained, and no ways abridged.—That out of princely care to his people he gave much longer warning of this adjournment, than any of his predecessors had done, to the end that such bills as were most material to the common-wealth, might, in the mean time, be expedited; especially against Informers, and writs of Supersedeas and Certiorari: but his maj. first demanding the opinions of the judges, they said, he could do himself what those two bills required.—That whereas some say, 'No good hath been done this parl., and shall they so return?' his maj. put the Lords in mind of the two patents grievous to the common-wealth, of Inns and Gold and Silver-Thread called in by him; and also this parl. had censured the late lord chancellor: which is an example to all other judges.—He affirmed, That had the Commons made an humble answer to him on the adjournment, he would have granted them ten days longer; but now he would not yield to their request: yet, if the Lords thought that 8 or 10 days more will expedite those bills that be now in the house, he will grant it."

Then his majesty was pleased to go into his drawing-room, that the lords might more freely discuss this matter amongst themselves. And, taking it into consideration, they thought fit to advise with the Commons also therein; and sent a message to them to desire a free conference with their whole house, presently, in the Painted Chamber, on matters of great importance, wherein no time was to be lost.—The king being returned, the lords humbly thanked his majesty for his gracious and free offer; acquainted him with the message they had just sent to the Commons; and besought him to enlarge his offer to this day fortnight. The king granted their request, with this caution, "That it be understood to be his own free offer to give this election to the people, either to have an adjournment, or a longer time to pass some bills, and so to make a session."

*Both Houses desire an Adjournment only.*] June 2, p. m. The lords went to the conference; and, being returned, the lord treasurer reported to the house: "That the lords having acquainted the commons with his maj.'s free grant of a choice, whether the parl. should be adjourned on the 4th inst. or continued for a fortnight longer, and then prorogued; The Commons having considered of it, did acknowledge his maj.'s power to call, adjourn, prorogue, and dissolve parliaments, and his maj.'s grace and favour in granting this election; for which they desired the lords to join with them in grateful thankfulness to the king."—Their humble desire also is, That it would please his maj. to adjourn the parl. the form whereof they leave to him, because they have discharged their committees, which they cannot now recollect so suddenly; neither will that time suffice to bring to effect the affairs of great importance which they had in hand. They desired also to present his maj. (with the lords,) three Petitions; first, for matters of trade, that is, that manufactures may be distributed to the several out-parts of the kingdom. 2. Money not to be exported out of the realm. 3. That ordnance may not be transported; lastly, they again renewed their former request, that both the houses may join in their thanks to his maj."—Then the lords sent another message to the commons, to acquaint them, that they had considered of their request, and had appointed a committee of 12 lords to join with a committee of their house to present it to his maj. that afternoon, if he would be pleased to admit them to his presence." The Lords humbly desired

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h. r. b. the prince to present their thanks to his maj. and the abp. of Canterbury was appointed, by joint consent, to deliver the requests of lords and commons to him at the same time.

June 2. In the Commons. Sir *Walt. Earle* moveth, that sir Edwin Sandys may be cleared, by question in the house, for the words which he was here taxed for.

Sir *Ed. Sandys* saith, "that he hath received of late notice, that there is notice taken, and misinformation made of words which he should speak; viz. that after we came from the conference with the lords (who gave us notice that we could not sit any longer) that he then said, he would not have any business then done or resolved on; and gave his reason, because passion was no good councellor: and he also then said, that trade was overthrown by monopolies, and that monopolies were maintained by corruption. He saith, that it was spoken by him suddenly and with passion, he being then very sensible of the decay and want of trade of that town, for which he serveth: that he taketh corruption to be in this case, when for money a monopoly is procured upon false suggestions. The other words, which he was said to speak, were these, that the whole kingdom was out of frame; and that it was for the king's honour, that no bills should be passed this adjournment. To this it was said, by the master of the wards, that he did slander and tax his maj.; and that none must think to delude the king with words, for we had to deal with a wise and judicious king. To these words he answereth, that he taxed not his maj.; that he, in his former speeches, took occasion, on the buisness of the masters of the chancery, to commend his maj.'s govt.; saying, that, amongst all the complaints that were brought into the house, it was a great honour to the king, that none of the judges of the law were so much as blamed; which sheweth the wise and provident care of his maj. in the govt. of the kingdom, whereof justice is the chief part."—Upon the question being put, it was resolved that sir E. Sandys is free from having given any just cause of offence either by these words or any other that he hath uttered in this house, either to his maj. or any other person, without one negative.

Sir *S. Sandes* desireth, that all question of any offence, for any words spoken by any member of this house, may be also cleared here by the sentence and opinion of this house. He saith, that, after a prorogation, our privileges endure not above 14 or 15 days; but, after an adjournment, they continue inherent in us, as if the house did sit: that in 27 Eliz. there was a committee appointed to sit during the adjournment; and that committee did, at the access, report the same to the house. He desireth to know, whether this committee was ordered and appointed to sit, before there was notice of the commission sent from her maj. for the adjournment, or no; and, whether there were accordingly a report of the labours of that committee.

Mr. *Alford* saith, he heard sir E. Sandys say some things how whereof himself hath heretofore spoken the like; for he hath here said, that he did pray to God to divert a plague from this kingdom; for that corruptions, monopolies and briberies were never so great in this kingdom. He saith, he hath not, to his knowledge, said any thing here in the house that was amiss, or might not become an honest man and a good subject to say: and therefore will not (having the king's word for freedom of speech) so much distrust any thing, as to desire to be cleared by the opinion of the house.

Sir *Wm. Spencer* saith, that no man had had cause to have doubted to be hereafter questioned for words (seeing his maj.'s gracious message, for our liberty and freedom of speech, was here entered in the house) but that, since that message was here entered, the master of the wards did here say, some would be questioned for some words spoken here in the house; and yet did not name the man, so as he might have been here by us, according to the course of parl. either censured or cleared.

Sir *G. Moore* would have all men here cleared by the vote of the house, to have spoken nothing here that deserveth to be questioned.

Sir *D. Digges* saith, that this kingdom is one of the best of the world for situation for trading: that his father did long since set on foot here a proposition concerning the manufactures; but they are now too much neglected, which undoeth this kingdom. He hath now a proposition to offer to the consideration of this house, which hath 3 principal ends. 1. To bring an advantage to the king in his Customs. 2. It shall increase shipping and trade of merchants. 3. That it shall be hurtful to no man. And to these ends he would have every port town rent their own customs, and pay as much rent to the king for their custom, by a mediation, as they have paid any time these 7 years; for now every merchant comes here to London, like lean kine, to grow fat by devouring the trade and merchants of the out ports: but, when they grow rich, they purchase lands and go live in the country; or else give over their trade and turn usurers, as most of the aldermen of the city do. It is manifest, how the trade of the out ports is decayed, by the decay of the port towns and havens; whereof Winchelsea in Sussex is a lamentable spectacle: for there are abundance of vaults in that town; and there was a very good haven, whereof there is scarce any sign or memory left. He would have it, during this cessation, commended by the members of this house to every port town, to consider of taking their customs at a mediation of 7 years; for this will get the king 20,000l. per ann. more rent for his customs, than now he hath; for now the king letteth forth the customs to farmers here of this city, who will not pay so great a rent as 160,000l. per ann. which they now give, but they will gain by it; and good reason there is they should do so, for they are at 16,000l. per ann. charge to officers to look to their profit in

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the out ports of the kingdom: that now all, or the best part of the trade of Europe is reduced to London, Amsterdam, Leghorn, &c. That all the deputies of the farmers will and do exact fees on the merchants in the out ports; which by this means will be prevented, and all clamours of this nature be thus staid. This will cause the inhabitants of the out ports to take care that money, wool, &c. and many other things (prohibited to be transported) be not carried out of the kingdom, as now they are, by the connivancy of the farmers deputies. He would have this propounded to all the out ports of the kingdom, to which places this will be a great ease, that they may send up their answer at our next meeting.

Mr. *Towerson* desireth, that sir D. Digges may set down this proposition in writing, because it consisteth of many heads, that the Londoners may give answer to it.

Sir *Edw. Coke* saith, that this motion of sir D. Digges is a worthy motion; for freedom of trade is the life of trade: that customers are called in latin Publicani, and every one knoweth, that Christ called publicans sinners; and we may justly match and call publicans customers, and customers sinners; for they cozen and deceive both the king and kingdom. He saith, he will never fear questioning for what he hath here said; for he hath here spoken old English, which is conscience. He knoweth he hath offended many, because it pleased this house to put him in the chair at the committee concerning monopolies; whereby he hath proceeded the more carefully. He would have those of the out ports, who shall desire to farm their customs, to offer good sureties: but, for the better furtherance of trade, he would have an order of declaration entered here, that none of those patents of monopolies, which have been here condemned, should be put in execution during this adjournment or cessation.

*The King adjourns the Parliament.*] June 4. The abp. of Canterbury reported to the Lords, "That yesterday, in the afternoon, the committee of the Lords, accompanied with that from the Commons, attended his maj.; where it pleased the prince his highness to present unto him the humble thanks of both houses, for the choice his maj. gave them of an adjournment or prorogation of the parl.—That then his grace made known to his maj. the election of the Commons, viz. an adjournment, with their reasons for the same; and also presented unto him the 3 Petitions, recommended by the Commons: 1. Touching new manufactures to be equally distributed to the out-parts of the kingdom. 2. Concerning bullion and coin to be preserved in the land. 3. Touching iron ordnance not to be exported.—That his maj. graciously accepted the thanks from both houses; and notwithstanding that he called to mind that the Commons embraced not, as they ought to have done, his many admonitions to expedite good laws; and that they disputed the reasons which he gave of the adjournment of this parl. (all power being in him to call, adjourn, prorogue, and dissolve parliaments) yet his maj. was pleased, according to the choice the Commons had made, to adjourn this parl. at this time; the same to begin again in Nov. next. In the mean time he will, by his own authority, redress the abuses of Informers, and writs of Supersedeas and Certiorari; which were intended to be reformed by the two bills more especially recommended by him.—That his maj.'s Answers to the 3 Petitions of the Commons were: to the 1st, concerning the enlargement or dispersing of new manufactures, which he never heard of before, he will consider thereof with his council. To the 2nd, touching bullion and coin, his maj. would also advise with his council, and redress it. And to the last, about ordnance, some care had been taken already, and more should be hereafter.—Then his grace presented his maj. the hearty prayers of both houses, unto God, for his long life and prosperity. And the king, as general bishop of the land, did then also offer his prayers to God for both houses. Finally, he admonished them, "That at their return into the country, they give his people good satisfaction, both for the proceedings and adjournment of this parl."

According to an order made June 2, the Judges delivered their opinions touching the privileges of the house of lords during the session of parl. But, because it had not happened to their knowledge, that ever the house was adjourned for so long a time, as now it was intended to be; they could not satisfy their lordships of any precedent, for the continuance of their privileges during all the time of this long cessation. Whereupon their lordships delivered their opinions. "That the lords do know that the privileges of themselves, their servants, and followers do continue, notwithstanding the adjournment of parl.; and do adjudge the same to be observed in all points accordingly." Ordered, That this declaration shall be entered in the Journals, and a copy of it sent to both the compters to be published.—After several other orders were finished, h. r. h. the Prince, who never missed one day's attendance all this long session, produced the king's Commission for the adjournment of the parl. By virtue of which, the commissioners adjourned the parl. to the 14th of Nov. next ensuing. The lord chief baron, with other judges, were sent to the Commons with the same instrument, and withal to deliver this message:—"We are commanded to signify unto you, That his maj.'s pleasure is, that all committees, matters, and business of parl. shall rest in the state as they now are, until the next meeting."

*The Commons' Declaration for the Recovery of the Palatinate.*] June 4. Wilson and Rushworth both inform us, That the Commons, immediately before their recess, took into consideration again the Affair of the Palatinate. And, least the slackness shewn in it should be laid to them, they, unanimously, agreed to

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draw up a Declaration of their sentiments in this matter. The motion for this Declaration was made in the Commons by

Sir *James Perrott* who said, "That since the knowledge, profession and practice of true religion was so powerful, precious, and profitable unto the souls of men; since the same was now so much distressed abroad in foreign parts, and sought to be endamaged and endangered here at home; since the deplorable estate thereof had been already fully set forth by some good members of this house, well known, and, as he hoped, sensibly felt by all the members of the same; since also the king's majesty, at the beginning of this parl. in his public speech, represented the danger of religion in general, and of the Palatinate in particular, with this princely and pious protestation, That if the same could not be recovered by treaty, whereof he had some hope he would then adventure his blood and life in the cause; wherefore the mover humbly beseecheth the house, that in the cause of religion (which is God's cause) and in the cause of his maj.'s children, for maintenance of the patrimony of that royal progeny, they would, before their departure, make a public protestation and Declaration, That, if religion and right may not be restored by treaty and peaceable means, that then, upon our return to parl. (being thereto required by his maj.) we would be ready to adventure the lives and estates of all that belong unto us, or wherein we have interest, for the maintenance of the cause of God, and of his maj.'s royal issue. And for that purpose, such Declaration being here made, he would that the same, by resolution of the question, and by public protestation might be both testified here, and also entered in the clerk's book, that it might not only remain here on record to be seen and followed, but, being divulged, it might oblige us all to the performance of this promise, discharge our duty to God, and more facilitate the treaty, which his maj. hath in hand with foreign princes, concerning this cause: or at least enable his maj. to relieve the distressed, to rescue religion, to recover the Palatinate, with the patrimony of his daughter's children, and to perform the princely promise which he made."—This motion thus made was entertained with much joy and a general consent of the whole house, and was seconded by sir Rob. Phillips, mr. Beecher, and others, who shewed divers reasons why the house should make such a declaration; viz. because that the reputation of the arms of princes is of as great defence and consequence as their proper force, and that now, while the parl. sitteth, the king hath his sword drawn; for the whole kingdom is then ready, both with purse and arms, to assist the king in the business of the Palatinate, whensoever his maj. shall be pleased to command.

Sir *Ed. Cecil* saith, that he thinketh this Declaration is come from heaven, and believeth that it will work better effects with our enemies, than if we had 10,000 soldiers on the march.

Sir *Nath. Rich* saith, that he doth much rejoice to see this general Declaration be here approved with such an acclamation; for that this will shew to the world, that we are not insensible of the sufferance of those of our religion, nor of the wrong done to the count Palatine.

This motion was entertained with much joy and a general consent of the whole house, and sounded forth with the voices of them all, withal lifting up their hats in their hands, as high as they could hold them, as a visible testimony of their unanimous consent; in such sort, that the like had scarce ever been seen in parl.—Then there grew a little question, whether we should enter this our Declaration of our general resolution to spend our lives and fortunes for the defence of those of our religion and of the Palatinate: but it was resolved, after a little debate, that it should be entered in the clerk's book, to remain on record, as our Declaration; which done, the house selected a committee of all his maj.'s privy council, that were members of this house, together with sir James Perrot and some other selected members, to draw up the Declaration of the house's general consent in this cause, and for to set it down in writing, that it might be entered and remain registered with the clerk of the parl. house.

Sir *Dud. Digges* moved, that the privy council of this house might, from the house, beseech his maj. not to use any delay in the treaty for the Palatinate; for our resolution is such as we have declared before.

When the committee had drawn up the Declaration, it being reported and publicly read in the house, was received with a general approbation and like acclamation of joy, by assent of voices and lifting up their hats in their hands, as was done when this was committed to the committee. The Declaration was as followeth:

"The Commons assembled in parl. taking into their most serious consideration the present estate of the king's children abroad, and the general afflicted estate of the true professors of the same Christian religion, professed by the church of England, in foreign parts; and, being touched with a true sense and fellow-feeling of their distresses, as members of the same body, do, with unanimous consent of themselves, and of the whole body of the kingdom (whom they represent) declare unto his most excellent maj. and to the whole world, their hearty grief and sorrow for the same; and do not only join with them in their humble and devout prayers to Almighty God, to protect his true Church, and to avert the dangers now threatened, but also with one heart and voice do solemnly protest, that, if his maj.'s pious endeavours by treaty, to procure their peace and safety, shall not take that good effect he desireth, in the treaty; (whereof they humbly beseech his maj. to make no longer delay) that then, upon signification of his maj.'s pleasure in parl. they shall be ready, to the utmost of their powers, both with their lives and fortunes,

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to assist him; so as by divine help of Almighty God (who is never wanting unto those, who, in his fear, shall undertake the defence of his own cause) he may be able to do that by his sword, which by peaceable courses shall not be effected."

A message was then received from the Lords; That the king had sent a commission to them, under the great seal, for adjournment of this parl. till the 14th of Nov. next, that the commission had been there read, and accordingly the house there had been adjourned: And that his maj.'s pleasure had been there signified, that all committees and other matters of parl. should stay till that time, and be left in the same state as now.—The messengers delivered the commission to be read, but the Commons, having no precedent for the reading of it, did not think fit to read the same. The messengers having withdrawn till the speaker understood the pleasure of the house concerning the Answer to be given to the Lords, were again called in and informed by mr. Speaker, that this house according to the king's pleasure, will adjourn itself accordingly.—Then

Sir *Edw. Coke*, with tears in his eyes, standing up, recited the collect for the king and his issue, adding only to it, 'and defend them from their cruel enemies.' After which the house adjourned to the 14th of Nov. next.

*The Parliament meet again.*] Nov. 20. Nothing material happening in the government, during the recess, but what will best appear in the sequel, we shall proceed with our Journals. A proclamation was published, bearing date from the court at Royston, Oct. 6th this year, for an adjournment of the parl. from Nov. 14th to the 8th of Feb. next coming. The reason given for it was, the season of the year and weather making it unfit for the states of the kingdom to assemble at that time. But by another proclamation, from the same authority, this adjournment was altered, on certain urgent and important occasions, to the 20th of Nov. at which time they were strictly commanded to meet to do business.—At this access of parl. 5 newly created Lords were introduced to their seats in the house, with the usual ceremonies. Their names and titles were Tho. lord Darcy, of Chich, created vis. Colchester; Henry lord Hunsdon, vis. Rochford; Fulk Grevile, lord Broke; Edw. Montagu, baron Montagu of Boughton; and Lionel Cranfield was made baron Cranford of Cranford in Bedfordshire.

Then a Message was sent to the Commons, "That his maj. being absent from parl. by reason of an indisposition of health, had commanded the lord keeper to deliver his pleasure to both houses; which the lords thought fitter to be done at a meeting: therefore their lordships did desire such a meeting for that purpose, in the Painted Chamber, to-morrow at 2 in the afternoon, if that time stands with their convenience." *Answ.* "The Commons will attend the service, at the time and place appointed." The Prince signified to the house his maj.'s pleasure, "That when the lord keeper had ended his speech to both houses, the lord treasurer and lord Digby should second the same.

*The Lord Keeper's Report of a Message from the King to both Houses.*] Nov. 24. The Lord Keeper of the Great Seal, (dr. John Williams, bp. of Lincoln) delivered the report of his speech, to both houses, in form following:—"May it please your highness and this noble house; If I had in my breast the least drachm of those high thoughts, which the Roman orator had in his, when he said, 'nihil dixi quod dixisse pæniteat,' that he never spoke, in his life, any one word that he repented of, I should not have been so unwilling to make a repetition of my other day's message, as by order of the house I am obliged to do: for in good faith, my performance thereof was so weak, that I had good reason to desire it might be rather (for the manner and all the interest I had therein) buried in oblivion, than received with a second repetition. And yet, considering the best sacrifice I can offer up to this noble company, is my humility and obedience. I will be unto myself, as Phocion was to Demosthenes, a kind of chopping-knife, to cut off the superfluities of that declaration, which wearied all your lordships the other day.'—'I divided, according to my method indeed, but his maj.'s matter, the whole narrative into six several parts. 1. The Antecedent. 2. The Occasion. 3. The Pattern. 4. The Call. 5. The Form. And, lastly, the Continuance of this present assembly. One of these parts I let fall in the division, but took it up again in the discourse and narration. My Antecedent comprehended the several effects of his maj.'s gracious care over the kingdom, since the last recess, or departure, of this assembly: how the three petitions, presented from both houses by my lord's grace of Canterbury, were really answered. 1. That the matter of trade and distribution of manufactures to several parts of the kingdom was conveniently established. 2. The importation of bullion and conservation of coin within the land was discussed, committed, and referred. And, lastly, the exportation of iron ordnance was firmly prohibited. Then I presented to the noble houses the proclamation of grace, wherein were reformed six or seven and thirty several matters complained of as public grievances; all of them without the least trucking or merchandizing with the people: a thing usual in former times; but, out of his maj.'s zeal of justice, and no other consideration in the world, rooted out and eternally abolished. And here I crossed the seas and touched upon the reformation of Ireland, begun by a platform projected by the council of the one, and polished by the council of the other, and now to be perfected by commissioners chosen out from both the kingdoms. These I called the fruits of his maj.'s vocation, and the antecedents of this assembly.—The Occasion of this Assembly I fastened, partly upon some antecedents from abroad, but principally, upon a Declaration at home, recorded and divulged far and near, by the representative commonalty of this kingdom,

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I know your lordships have perused the same, their noble manifesto of the 4th of June. (see p. 1294.) This I made bold to annalize a little, and observed, without altering phrase or word, four circumstances in the same; to which I applied four answers, warranted, to a syllable, by his maj.'s directions; as, I hope, my lords here of the council will bear me witness. 1. His maj. was encouraged to travel a little longer in his pious endeavours to procure a peace, by way of treaty: I declared, from him, that all this was done; I wish I could have said as profitably as I could well say charitably. 2. His maj. was besought this treaty might not be over-much lingered and delayed. I shewed from the king, that no more it was; and produced for testimony, the speedy return of that noble lord employed in that service. 3. His maj. was petitioned, upon the non proficiency of this treaty and his pious endeavours, to signify his pleasure in open parl. I told them from the king, that this petition was likewise granted; and was the principal cause why both houses were now re-assembled. Lastly, his maj. is assured, upon this signification, &c. which I shewed them, that peaceable courses are not so effectual, the breaches being now grown so wide and desperate. And thus I stated the Occasion of this re-assembly.—In the 3d place, I touched upon an heroical act of his maj. which I called a Pattern for this assembly: and that is the advancement of 40,000l. to keep together the body of an army in the lower palatinate; the which had otherwise been dissolved before this parl. could be assembled. I noted that, without this, their resolution had been lost; and so will all this be still without their further resolution.—In the 4th, I excused the Call of this assembly, which might seem to some men not to be so punctual; and shewed them, that, like war itself, so are the summons thereof accompanied with disorder and confusion. For, in matters of this nature, as I noted out of a good author, 'quæ legitimum,' &c. Those parliaments which stand upon their precise, &c.*—5thly, I touched upon the Form of this assembly; which his maj.'s pleasure was should rather be by antient than modern precedents, That all, &c. and all cunning and malicious diversions avoided, (for such things you well know there are in the world) they should, soundly, really, &c.—In the last place, I came unto the Continuance of this assembly, which his maj. limits, at this time, to some 7 or 8 days before Christmas; but renews again on the 8th of February next, to continue then for the enacting of laws and perioding of these reformations, as long as the necessity of the state shall require the same.—And now I have presented your lordships the natural bird, as it came from the nest, without so much as a feather of my own invention: for this is no speech but only minutes of his maj.'s directions. I shall only add, 1st, my preface, containing his maj.'s indisposition rather than absence; for absent his maj. thought he could not be, as long as he was represented by such a son: a son whom of I may say, (as Pliny did of Cæsennius Paetus's): 'parenti non minus ab alia charus, quam quod filius sit,' as dear to his maj. for many other respects, as because he is his son: and then my double prayer, the one to your lordships, which I now repeat again and make for myself, for the time past, present, and to come, to pardon the weakness and innumerable imperfections of your most unworthy speaker; the other unto God, for his Holy Spirit to be present and president in this assembly."

*Ld. Digby's report of the Message concerning Spain, &c.*] The Lord *Digby* also made a short repetition of that part of his speech, which his lordship had delivered at the same time, viz."—In the delivery of the message I had from the king, I presented these 3 considerations; 1. his maj.'s Proceedings and the Issue of them; 2. the State of the Business at this present Time; 3 what Redress was fittest. I begun with his maj.'s proceedings from the unfortunate overthrow at Prague. Upon the news whereof his maj. instantly considered what was to be done, and resolved that the best was, to keep the Princes of the Union in arms; and, to continue their army, his maj. sent them 30,000l. by Albertus Morton. Then his maj. sent sir Edw. Villiers into Silesia, to fetch the Palsgrave's submission unto the emperor, upon such conditions as his majesty should think fit. His maj. then also sent me unto the archduke Albertus, to propose a Reconciliation; and sent to him the first, because he had the greatest stroke in the affairs of the empire, and greatest command over the Spanish army; in regard the emperor had all his greatness, saving a few little provinces, by resignation from the said archduke. The archduke willingly assented unto a reconciliation, in favour of his maj. and, to that end, the archduke writ letters to the emperor and king of Spain. In the interim, the Princes of the Union grew to disband; whereupon, the archduke, to show his willingness to a reconciliation, did procure Spinola to cease from arms. By those means the Palatinate was saved, which otherwise had been lost, and this cessation continued all the lifetime of the archduke.—Sir Edw. Villiers and I returned into England about the same time; I bringing with me the cessation from war, and he the Palsgrave's submission. And now the business was ready for a general treaty, which his maj. at the first intended to have with the emperor touching the reconciliation; and I was employed in that errand, accompanied with letters of recommendation from the kings of France, Spain, Poland, and Denmark.—The propositions which I was to make to the emperor were, That the Palsgrave should be restored to his lands and honours, in all points, as he en-

* This paragraph and the next are left unintelligible, in the Journals, perhaps on purpose: because they seem to point at some reflections, too strong to be recorded.



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joyed them when he married his maj.'s daughter; the Palsgrave submitting himself to the emperor, upon such conditions as the emperor and his maj. should agree on. The emperor answered, That he was willing to gratify his maj.'s demands, for the great moderation which he found in his maj. in the business of Bohemia, so as the king would undertake for the Palsgrave's submission. But the emperor referred the conclusion of this business unto a diet.—Then I made a 2d proposition, viz. That war might cease until matters were debated by a diet. Unto which the emperor answered, That he did not take it to be war or hostility that he waged against the Palsgrave. Yet, in favour to his maj. he would agree to a cessation.—After this the emperor hastening the Diet, the princes denied their appearance at the same, in regard they were under such concern as to look to themselves, and stand upon their guard. Whereupon I moved the emperor to send to every prince particularly, and acquaint him with his maj.'s propositions; which the emperor did accordingly. Upon answer from the princes, the emperor wrote his letter to his maj., in answer to the propositions, which I received, thinking all business had, in effect, been fully concluded on. In which letters there was contained, That the emperor had written to the duke of Bavaria and the Infanta, for a cessation from arms: and that himself had granted a promise, either to procure count Mansfield to lay down his arms, or else that his maj. would declare count Mansfield an enemy. In these letters, also, the emperor did write, That he would not take up arms again, until 3 months after he had given notice to his maj. that he would renew the war.—Then I shewed the reason why the emperor would not agree to any truce, without the duke of Bavaria: 1. in regard of the emperor's agreement in the beginning of the troubles, neither to make peace nor war without the consent of the said duke; which happened because that upon the former truce made with the said duke, the soldiers that were in the Lower Palatinate, and wanted employment, came up into the Higher, and much infested the duke of Bavaria. 2. in regard the said duke had a great part of Austria in pledge for his satisfaction. 3. because the emperor was barred out of all passage but through Bavaria, Bethlem, Gabar, Rensorpe, and Budianus.—I coming to count Mansfield to treat with him about laying down his arms, found plainly, That the duke of Bavaria had, from the beginning, affected to get unto himself the Palatinate and the title of elector. The duke of Bavaria, in his letters to me, upon receipt of the emperor's letter to him concerning the truce, did discover this intention: for he wrote, That I should not need to labour for a truce, for the wars were at an end; in that he had agreed with count Mansfield, so that he doubted not but to keep both the Palatinates in peace, until the emperor and the Palsgrave had agreed. And here, I noted, That this answer was a bitter oraison.—The Infanta refused to have a peace, and acquainted me, that such was the emperor's mind also; whereupon I observed, That the emperor's answers to his maj.'s propositions had been deferred; so now it was come, either that his maj. should leave his children or else denounce war.—Touching the present state of the Palatinate, I shewed, That count Mansfield was come down into the lower part with 16,000 men, and sir Horace Vere had about 5000; all these having endured the hardships of war for near two years. And here I observed, That much was saved by these means, which must have been spent in raising, arming, and carrying over so many thousand soldiers into that place.—I said further, That the people of the Palatinate had lived free from oppression and rapine under the Spanish army; and that therefore some speedy course was to be taken for sending of money thither, lest Mansfield's soldiers, thro' want, should be driven to fall to spoil those of the Palatinate, and breed a liking in them to the Spanish government. I noted further, That count Mansfield's army did not consist of men, which fought for their country, wives, or children, but for money; which they must have speedily, or they are gone: and if the count, for want of pay, should take a dislike, he might, for honour, or other reward, fall off to the emperor, and then all were lost.—I also briefly described unto them the present state of all Christendom; the power of the emperor, and of the five armies maintained by the king of Spain: that the forces of the princes of the Union were disbanded; and that the Catholic League did continue to hold firm.—I observed how bravely sir Horace Vere and capt. Borough had behaved themselves of late in the Palatinate; and that, by the wisdom and valour of sir Horace, Heidelbergh was kept from the enemy, being a place of small strength; Manheim, a very strong town; Frankendale, which had endured a month's siege, and Worms; which is the present state of the Palatinate.—Touching what redress was fittest, I concluded, That it was proper to cherish and keep up that army which is already there, which must be with supplies of money; and that more forces must be prepared against next spring, so as we might have there an army of our own, to the strengthening the Palatinate, and encouragement of the Princes of the Union. This I recommended unto them, and wished that every one would shew his zeal and affection to his maj. therein.

*The Lord Treasurer's Report of the Message relating to the Supply.*] The *Lord Treasurer* (Cranfield) next made his report of the message, which he delivered to both houses, to this effect:—"That his lordship declared unto them the present state of the exchequer, and smallness of his maj.'s revenues; and that the two Subsidies, granted this parl. were spent about the Palatinate. That the business, now in hand, required a great and a speedy Supply, wherein his maj. had taken some course out of his own; and his lordship doubted not but that the Commons would add thereunto, and perform what they had so nobly promised in their Manifesto; the disposing whereof they need

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not to doubt of, but that his maj. intended the same to be wholly employed for the recovery of the Palatinate. Lastly, he wished that the Commons would so handle this business, as to make his maj. in love with the parliaments."

These several reports being made, the Lords proceeded to regulate committees on divers bills; which, with some other matters of less moment, concluded the business of that day.—Nothing being done in the several days following, in the house of lords, but hearing complaints and redressing matters of privileges, &c. it may be necessary to examine into the Proceedings of the Commons at this juncture.

*Debates in the Commons on Privileges—the Supply—the Spanish Match, &c.*] Nov. 21. When sir Edwin Sandys was missed, on the calling of the house, the Speaker delivered a letter, sent him from sir Edwin; whereby he signified, that he received a discharge from the king of his confinement, bearing date Nov. 6th, and that he would have attended this house, but that he is very sick, and therefore desireth the house will be pleased to pardon his absence. Whereupon the house was, at this time, content not to call on him.

Nov. 22. Mr. *Alford* saith, that the king hath commanded by two proclamations, that none should meddle or talk of state business; and yet hath again commanded, by the three lords, that we should not meddle but with the business of the Palatinate; that this is a precedent wherein we are warily to proceed; for hereafter the king may else say, we shall meddle only with this or that business, and not with other things, and so we lose the Privilege of a free parl. He would, that we should hasten to dispatch the business of the house; for hereafter, if we shall touch on any thing for the good of the commonwealth, his maj. may be incensed, and so dissolve the parl. In Hen. VII.'s time one Terrill, a member of this house, was, for telling the king of the business of this house, sent to the Tower, and by an act disabled, and all his posterity, for ever sitting or serving again in this house. We are taxed to be cunning and malicious, but he thinketh the king is misinformed of us; for we are the same parliament men (and have the same hearts and affections to his maj.) that gave, without precedent, a free gift of two Subsidies, at the beginning of this parl. when the king said we were good subjects.

Mr. Secretary *Calvert* saith, that mr. Alford hath expressed more fear than he seeth cause for him to do; and that he hath laid an imputation on his maj. saying, that since the last recess the king hath forbidden all men, by proclamation, to speak of state business; and yet here his maj. hath commanded us to speak and debate only of the business of the Palatinate, which is state business; thereby taxing his maj. for commanding contrary matters, as though his maj. meant to insnare and take advantage of us. And he hath also, as it were, taxed his maj. by the fears which he propounded, as if, when we should have yielded to any thing, the king should take some causeless exception against the house, and so break off this parl.

Sir *D. Digges* saith, that he hath served the king with as faithful a heart as any one that sitteth about the Chair: that it hath ever been the misery of parliaments, that ill offices have been done betwixt us and the king; and it is so likewise of this parl. It is well known, that sir Ed. Sandys hath suffered; which if he knew it were for parl. business, he must, if he died, say, that of right we ought not to be punished for what we speak here, other than by the house: but, since there is a day prefixed for the great business of the State and Religion, which lieth a bleeding, he desireth that there may be an end of such speeches as are used, and that no exceptions or question may be made or taken of what any member of this house shall or hath said in the discharge of his conscience.

Mr. *Mallory* desireth, that sir Ed. Sandys's letter to mr. Speaker may be read again; for, as he remembereth, it is therein mentioned, that he had been confined, notwithstanding he was a member of this house; and, for aught we know, it may be for parliament business. He desireth also to know, for what business sir Ed. Sandys was questioned.

Lord *Clifford* desireth, that, since sir Ed. Sandys doth not here complain of any thing for which he was confined, nor of his confinement, that we would return to the business of the house or state.

Sir *Tho. Wentworth* hath observed that this house hath ever used to debate with jealousy the Privileges of this house; but we have ever done it with loss of our Privileges rather than gain. He saith, he thinketh sir Edwin was questioned for matter of state; but howsoever he complaineth not here, and therefore he would not have us to take up the office of informers, and complain for him.—Sir E. Sandy's letter was again read.

Sir *Rob. Crane* thinketh this house will not meddle nor question any thing, if sir Edwin were confined for state business: but, because there is a murmur abroad, that he was committed for parliament business, he desireth it may be cleared, whether he were so committed, or no.

Mr. Secretary *Calvert* saith, that, though he hath no commission, yet, since he perceiveth the whole business of the house sticketh at that knot, he will assure this house, that sir Ed. Sandys was not committed for any thing said or done in parl. But the house will scarce believe mr. Secretary, but thinketh he equivocateth; and some say, they are not yet satisfied that sir Edwin was not committed for parliament business.—Sir Fra. Vane desireth, that mr. Secretary's protestation may be entered in the clerk's book: which accordingly was here entered.

Nov. 26. Sir *D. Digges* saith, he speaketh with a great deal of difficulty, and desireth that he may not be misinterpreted nor misreported.

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That, though he be but poor, he is neither ambitious of honour, nor afraid to speak his conscience freely. He would have us now shew our affection to the king, so as the king may be encouraged to shew his love to his people. He divideth his speech into 3 points. 1. Concerning the state of the Business of the Palatinate and what the king hath done therein. That the king (as hath been told us) presently, on the overthrow of Prague, sent 30,000l. to keep the Princess of the Union firm to the Palsgrave: afterwards his maj. sent another message to comfort his children, and that was by sir Edw. Villars; whereby, and by the other carriage of his maj. in this business of the Palatinate, his maj. hath shewed himself a constant prince, in following still his pious course to effect by treaty a peace; and, seeing that cannot be effected, the king sent of late 40,000l. to keep the army, that is in the Palatinate under the command of count Mansfield, together. Now, though his maj. be not tied to give an account of his actions to any but to God, yet it hath pleased him to descend from his royal prerogative therein so low, as to acquaint his houses of parl. with his proceedings in this business; thereby endeavouring to enable himself to prepare for a war, to get that by force and the sword, which he cannot by treaty.—For the 2nd part, concerning the State of Christendom, he saith, that Spain and Italy are the stength and defence of the Roman religion, and these islands the centre of the true religion: that Germany, France, the Low Countries, Poland, and some other parts of Christendom have some of the true religion, but most there are of the Roman religion. In short, the truth of it is, that Spain is the head of the Roman religion; and our king is the head of the true religion: that our king seeketh by peace to maintain our religion; the king of Spain by war to bring all in subjection to his religion, and, as it is to be thought, to his crown: that our king goeth to effect his peaceable ends by a secret way, but Spain by a more open way, and discovereth himself to his friends. None can blemish our king's care in this matter of religion, to end differences by treaty without war, as his maj. hath shewed it to all the world at several times and places, as particularly in Poland not long since; and our king also reconciled the king of Sweden and Denmark, and ended the differences between the Low Countries and the king of Denmark: that there may be in good people much fear, and yet it may not proceed out of want of affection.—For the 3rd point, concerning what is here at this time principally to be debated, that he thinketh, that of necessity we must enter into consideration of the Defence of the Palatinate, and to maintain the king's intention therein of a war. His maj. it is well known, shewed his inclination to a peace, but now he is driven to a war; in which we are to resolve (as he thinketh) first, not only how to maintain those soldiers who are there, but also to make a war of diversion; without which, he thinketh, small good will be done.

Sir *Benj. Rudyard* saith, that our religion is battered abroad and moulders here at home: that he thinketh, there is none that values his soul at so low a rate, as that he will not give and spend his life and goods for the defence of it: that there is now a fair and thrifty way opened to us for the defence of our religion, and the recovery of the right and inheritance of our king's children. He desireth therefore, that this house will consider of a present supply of the army in the Palatinate, that that business and the dangers which may come thereby be not wound up on delays till they break, and so our supply come too late.

Sir *Miles Fleetwood* thinketh that this is the weightiest business that came into the house since he sat here: that our king's daughter and her husband and children are deprived of their inheritance, and he thinketh it hath been out of their too much confidence in princes, and in the arm of flesh. He saith, we are bound to supply this war: 1st, for the glory of God: 2, for the honour of the king: 3, for the peace of our country. For the 1st, that we cannot more glorify God, than in defending his religion: that, since we have defended our religion, this kingdom hath been a mirror of God's mercy, an honour and helper to our friends, and a terror to our enemies. 2ndly, for the honour of the king, that by this war we shall maintain the title of the king, who is stiled Defender of the Faith. He would not have us neglect the king, who is so dear to God, by neglecting his children, who are so dear to him. 3rdly, for the peace of this kingdom, that, if one or two of the king of Spain's five armies do come against the Palatinate, it may, without our help, ruin them, and endanger us: that we cannot better divert the projects of our enemies (who labour to sow dissention between the king and his people) than by giving the king content in this business, and to busy them with some war abroad. He would have us provide for a present and future Supply, and that we advise with the Lords both for the quantity of the Supply to be given for the war, and touching the manner and the governors of it.

Sir *James Perrott* would have us consider first, for the maintenance of religion in general; and then particularly, for that in the Palatinate. This kingdom hath heretofore vanquished France, supported the Netherlands, supplanted Wales, affronted and assisted Spain, and done many other noble actions; and therefore he holdeth it a great dishonour for our nation to sit down, and not shew ourselves for the defence and recovery of the Palatinate. But he would have us, in like manner consider what we are now: the country is poor, but the kingdom is not; for all the best part of the wealth of the kingdom is contained within the walls of this city: that here is 100,000l. per ann. spent in Tobacco, which would maintain a reasonable army almost a year. All the nobility and gentry of this kingdom come and spend their estates here on toys, jew-

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els and clothes. The East India Company have 1,500,000l. in bank here: the usurers of this town have a million, at the least. He would have all the nobility and gentry of this town, who have no important business or employment here, to be compelled by a law to go and live in the country; and, though many say their wives draw them hither, yet laws will rule their wives, though their husbands cannot: that there is too much excess of plate in gentlemen's houses in the kingdom. He would have us consider, what will discharge the charge of a war; and, as we should provide for that, he would have us likewise look to ourselves at home, whether we want provision: 'Parva sunt arma foris, nisi sit consilium domi.' He thinketh a war of diversion is necessary. He would have us give as much for a present Supply as shall be needful, and for the future war as much as every man is in the Subsidy book; as, if he be 10l. he should pay 10l. fully. For his part he is very willing to give so much, and he doubteth not but that will discharge the war. Only he desireth, that we may have first safety at home; that we be not here supplanted by those of a contrary religion whose hearts are at the king of Spain's service; and they think they ought to be so, because he is the protector of their superstition and religion.

Sir *Edward Sackville* saith, that the passing bell now tolleth for religion and the state of the Palatinate; it is not dead, but dying. He would have us consider of 2 things: 1. What is fit to be done at this time: 2. What is unfit to now be talked of. 1st, That we should remember what we promised by our Declaration. He would have us bestow such a sum on the king, as will suffice for the present supply of the wants of those soldiers that are now in the Palatinate; and this is the business which is fit to be discussed of and done at this time. 2ndly, That it is unfit to speak or discourse of any thing else till this be effected.

Sir *Rob. Phillips* saith, that the necessity of the affairs now in hand and his duty calleth him up, and that he will speak with a loyal heart to the king and this state, and to the wants of the king's children: that the propositions now on foot are, 1. For a present supply for the Palatinate: 2. To make a thorough war: the one is needful, the other necessary: that the states who are likely to hinder us are the Catholic states; which consist of that great wheel Spain, and the little ones of Germany, both which now fight against us with a victorious sword. Those who are for us may be those of our religion in the Low Countries, the Princes of the Union, the protestants of France, and some few in other places; which is but small assistance. He prayeth that our sins have not been the cause that hath made the Princes of the Union fall from us; but he hopeth, they will be re-united when they shall see us stir again. For the Low Countries, though their forgetful pride hath made them neglect us, yet their business against the Spaniard will put them in mind of their fault, and, he hopeth, make them be as firm to us, as they are near neighbours to us; and he thinketh it needful and necessary, that they have dependancy on no state but our's. As for France, the protestants there are locked up by a civil war, so as there is no hope of help thence. It is true, that the king hath carried the affairs of the Palatinate wisely, and hath sought, out of his goodness and pious disposition, by treaty to make peace: but he hath therein been unfortunate, for, whilst we have treated of peace, they have still gone on with the war. It hath been told us, that the king of Spain is our friend, but every one knoweth, that he is the president of the council of that war which is made against the Palatinate; and, for aught appeareth, that war moveth not but by the wheel of Spain, who payeth all the soldiers there. As for the duke of Bavaria, he is but a petit prince. He would have us consider, first, the honour of this kingdom; for he is jealous of it, because he heareth how we are slighted by foreign states: that he thinketh, God is angry with us for not keeping the crown of Bohemia on the king's children's heads, and therefore he hath punished them and us with the loss of their own patrimony, to our shame, and their sorrow and dishonour. 2ndly. For the Ability of this kingdom, that at this time our Trade is decayed, and the letters and remedies administered by the lords of the council have wrought no good effects at all; so as there is small hope to do any good in trade but by good laws. 3dly. For our security at home, that all those papists, who are here amongst us, howsoever they live, their hearts and affections are subject to the king of Spain: that they are grown insolent; they call us already the protestant faction, and they dispute of their religion boldly, as if they had laws and liberty to defend the same publickly. He desireth, in this respect, that we may proceed with some course for our safety at home, that they, who are grown to such a head here, may not turn the wheel about, and so, when they have gotten us under, we mourn and repent our want of consideration and providence. He would have us consider what we can do at this time, and what we have already done. We have already given two Subsidies, and have not had any bill passed. He would not have us, at this time, to grant any Subsidy; but first to proceed with some bills to satisfy the country, and at our next meeting to grant Subsidies, which meeting he would have should be as soon as it shall please his maj.

Sir *Edw. Giles* would have us make a thorough war, but so as queen Eliz. did, to enrich ourselves, as well as to defend our right and ourselves. He saith, there was a Jesuit lately taken in the West Country, and is now at Exeter, who said, that there were 500 more Jesuits here in England at this time; and his boy said, that he heard his master say, that he hoped shortly to see a new king in England. He would therefore have a course first taken to secure the king, prince, and kingdom in these dangerous times, and confluence of

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papists; and that afterwards we should consider how to aid and give Supply for the Palatinate. He believeth, that we shall do no good by treaty, and would therefore have us treat with our swords in our hands. God hath hitherto done much for us; but we must not look for that help from him still, if we be so careless of his church and the true religion.

Mr. Sec. *Calvert* would have us remember, why the Princes of the Union disbanded, and left the king of Bohemia, which was only for want of a Supply; but, how or in what manner they did it, he will not mention. But, if the king resolve to enter now into a war, those princes will be, as it is hoped, and not unlikely, reunited, and the king of Denmark and other princes in Germany will also declare themselves for the assistance of the Palatinate; for our king's not declaring of himself heretofore in the war made those princes give over and forbear in that action: that the friendship amongst princes is as their strength and interest is; and he would not have our king to trust to the king of Spain's affection. As for the delaying of a Supply any longer, if we do it our supply will come too late. It is said, our king's sword hath been too long sheathed; but they, who shall speak to defer a supply, seek to keep it longer in the scabbard.

Sir *G. Moore* saith, we have already made a Declaration, that our hearts are ready to assist for the recovery of the Palatinate. He would now have us think what we are to do: if we do nothing, it will be a scandal to our religion, considering the desperate case of the Palatinate, and those of our religion in foreign parts; and it will be said, that the king is only rich in the promises of his subjects, but not in their performance of even needful supplies. He would have us have also consideration of the poverty of the country, which is to perform what we shall give; and would have us do it so, as that we lose not their affections, but something he would have howsoever done for the supply of the Palatinate.

Mr. *Tho. Crew* desireth to be excused, if he dissent from a present given. We have heard with sorrow, that our king's good and peaceful intentions have had no good success. There is ever more lost by treaty, than gotten by the sword. He would have us therefore take our swords in our hands: but, if we consider our disabilities, our trade taken from us, and traffick decayed, we may think it a difficult matter to proceed in a war. He would have us consider, who maketh war against us, which is the Spaniard; and against him, as he conceiveth, we are to bend our forces, for it is he that giveth counsel and pay against us. There is no halting between two religions, and therefore he liketh not that the papists are so common and bold in England. He desireth, that we might know against whom we shall fight; and then he would say, that, though we give not now, we would give at our next meeting.

Nov. 27. Mr. *Wylde* saith, that it was a great disadvantage to Pompey, that he stood only on the defensive, and permitted his enemy to offend and assail: that the Spaniard is he, who only hath counselled and aided with his purse those who have gained the Palatinate: that there is no trust to be reposed in the promise of the Spaniard: those who are of that religion have dispensations for the breach of their faith. He would not have us defend only the limbs and branches, but to look to the trunk and body itself. He would not, that we desire to know only of the king the enemy against whom we should go to recover the Palatinate; but would have us let the king know, whom we take and hold to be our enemy, and then, as we shall see cause, to give a Supply; but, in the mean time, to provide for our safety at home.

Mr. *Treasurer* saith, that his maj. would not willingly break with the Spaniard, till he seeth, whether he (having made so many fair promises) will yet avow or disavow the actions of the emperor. He would not, that we should, by our discord, add grief to the common and general affliction wherein those of the protestant religion now are generally. He would have us constant to our promise by our declaration.

Mr. *Neale* acknowledgeth his disability to speak of the great business in hand, and will deliver only what he hath collected out of the speeches of those who have debated well hereof: and 1st, of our doubt against whom we should make war, and who should be our enemy: 2ndly, from whom, and in what manner aid should be given. For the first, he saith, as the Trojan did, 'Timeo dannos et dona ferentes:' that the Spaniard hath ever won more by his pistolets than by his bullets: we know how the Spaniard hath gained by this means, and, being gained, no man dares question how he got it: 'Dolus an virtus quis in hoste requirit?' For the 2nd, from whom and in what manner this aid shall be levied, none shall be more forward and willing to give than himself. Those for whom he serveth here desire nothing more than a plain war, and therein they will venture their lives and estates; but those of the West Country are so poor, as at his coming thence the collectors of the last Subsidy said, they knew not how to levy the Subsidy behind. He desireth, that therefore in giving, the house will be pleased to consider, from whom the aid shall come, and that it may be levied from those who are wealthy, and not according to the ancient order, by the lands: that money is bought beyond sea at a higher rate than the mint here will give for it; and that is the reason, why so much foreign coin brought in hither is not kept here, as it would be otherwise: that the West Country is so oppressed and beggared with monopolies and new projects, as that they of that country are every year forced to be at the charge of coming hither to petition against it. He would have aid given, but that bills should be first prepared to pass.

Mr. *Pymme* saith, that, if we should not now give, we frustrate the king's expectation ground-

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ed on our own Declaration, and we lose assuredly the Palatinate and our reputation. On the other side, if we do nothing but give, we shall have the discontent of the people, and increase their fears of religion, and bring a disreputation to ourselves, having sat here so long and effected no bills. This is a ground that, where an obligation is laid originally, it ought to be performed; but we are to be excused, if by accident we are disabled to perform it. He saith, that the 1st part of the Proposition is to send a present supply for the army in the Palatinate; and the 2nd part is to send an army of our own countrymen thither to augment that army: that this war must be supplied by money, wherein we are too weak for the king of Spain: that we are disabled of some right, which belongeth to subjects, to proceed in this war; for it is a rule, that, if the subjects of one king do spoil the subjects of another king of their goods, the subjects so wronged have a kind of interest to right themselves on the subjects of the other king. He saith, that we are unfit to do any thing abroad, till we are more secure at home. He would have us labour for a sessions before Christmas; but would not have us have only bills, nor only give a Supply, but to do both together. He would have us frame an Oath of Association, to be ministered to, and taken by all our own nation and people; and that those, who should refuse the same, should not hold any office in the commonwealth.

Sir *Rich. Grosvenor* here out of his papers read the house a large lecture.

Sir *James Perrott* holdeth the question now to be *an fit*, and *quid fit?* He thinketh every one is resolved and obliged to give; but what shall be given he neither can nor will direct this house in: precedents may be created, where there is either *urgens necessitas* or *evidens utilitas*. There was an Oath of association in Elizabeth's time. He would have us be humble suitors to his maj. for the maintenance of our religion, that the laws may be executed against Recusants: 2ndly, that there may be a supply made of ships and munition for our safety at home, and that by his royal command every shire (according to the ability of it) may provide them with sufficient armour: 3rdly, that the general Pardon may be larger; for, as it hath been used to be granted, none or little good hath come by it to any body: 4thly, that his maj. will not punish those, who speak here freely their opinions and conscience; but that we may punish them here ourselves, if any shall speak disloyally, or not with due respect and duty to his majesty.

Sir *Ed. Sackville* doth not think this kingdom so poor and beggarly as it is said to be, neither would have us report it to be so; for he hopeth we have means to live, and do as much as our ancestors have done: it is the king of Spain that hath laid out his money to gain from us the Palatinate. He would have us give some present Supply towards the keeping of that which is left us in the Palatinate; and it will not be long before we discover plainly, whether the king of Spain be our enemy or no; which if he be, then will the king without question, understanding of our affections and inclinations, proclaim a general war against him, and then shall we have our desires.

Sir *Tho. Wentworth* would have us consider of the king and the people together and indivisibly: that the first proposition for the king is for a present supply: 2ndly, for an aid and supply to send into the Palatinate more forces to recover it, if occasion be. The first proposition of the people is their humble desire, that we may have a sessions before Christmas: the 2nd, that we may notwithstanding meet again in Feb. as was appointed: that there are 4 degrees for our proceeding herein: 1. That we should now answer the king's first proposition, that we will give a present Supply: 2. To desire that we might have an end of the sessions before Christmas: 3. To consider of the proposition of the Supply and the manner; wherein, he thinketh, we should do best to advise with the lords of the upper house by a conference: 4. That we declare our readiness to assist the king, if he shall declare an open war; but that we should expect till the king himself shall declare publickly an open war.

Sir *Rd. Weston*, chanc. of the exchcq. thinketh, that there is a necessity that presseth us very near for to give a Supply: that the king hath done his part to procure by treaty a peace, and he would have us now, since a peace may not be effected by treaty, to do our parts for a war: that it is the constancy and reputation of this house, that, when in a time of peace we have engaged ourselves for a war, that we should not delay and be backward in it, when we see there is nothing but war to be thought on or effected. Our happiness hath been our misery; long peace hath made us unfit for war. There are 3 things considerable in the proceeding for war: 1. For a war of diversion (wherewith this kingdom hath been often sweetened) where to be: 2. For the scouring up of our old friends: 3. For the preserving of our own country; for he thinketh it a preposterous course to seek to gain other countries, and permit our own to be taken from us.

Mr. *Solicitor* saith, that there are 2 parts to be spoken to: 1. Whether we shall now resolve to give; and for this he will not so much doubt the affection of this house, as how to persuade or question it: 2. What the proportion shall be; how far for us to proceed, and how it shall be disposed. He desireth, first, that the former proposition be now put to the question, that we may not this day rise without (having heard so many good speeches of the fitness and necessity of a present Supply) resolving on some conclusion or determination.

Sir *Edw. Cooke* saith, that he hath here a book made by an Englishman Hispaniolized; which book scandals this state and also queen Elizabeth, and highly recommendeth the king of Spain; with whom, he saith, he will not

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meddle but *se defendendo*. This book is called "A Declaration of the Affairs of Holland." He saith, he will speak of 3 things: 1. He will shew that the laws against the Jesuits are just and merciful: 2. That God hath wonderfully protected those of our religion: 3. That God hath particularly protected and blessed our kingdom. For the first, that 2 Eliz. Pope Pius V. offered to that famous queen, that the Eucharist should be administered under both kinds and many other greater matters, so as she would acknowledge him to be the head of the church: that the said queen never did make laws against the Jesuits, till she was thereto provoked by themselves and their conspiracies: that in 13 Eliz. she made laws only against Bulls, because there were Bulls sent hither to discharge her subjects of their allegiance: 25 Eliz. she made the first laws against Papists; 26 Eliz. she made laws against Jesuits and Seminaries, because they practised to kill her: that in 1588, whilst our commissioners were in Spain treating of peace, there came hither the Grand Armada: that there was 30,000l. given to Lopuz, who read to the queen in philosophy, to poison the queen whilst he did read to her: and, a little before this should have been, there was sent a book hither called "Andreas Philopater," made, as it was thought, by the Jesuit parsons, to profess the people with an ill opinion of their prince, that so they might the easier effect their conspiracies: that the Papists afterwards practised to poison the pommel of her saddle, that so she, laying her hand on it, might be poisoned. Walsingham, a Monk, noteth, fol. 5. that the first rot (or scab) that came amongst our sheep was brought hither by one out of Spain; and every one knows, that Morbus Gallicus came first from Naples, which is one of the king of Spain's dominions. Whereby we may see, that there never came hither any thing from Spain, that did not either damage us, or endeavour it: that he is sorry there is so common access to the Spanish ambassador's house: that 15 men harboured within the walls of Troy did the Trojans more hurt, than 10 years siege did: the papists, our enemies, are here in our bosom, so as we are not in safety at home. He will not look to what we have already given, nor think on the Subsidy to be paid in May, but would have us think of something now to be done; but, before we do resolve to give any thing, he would have us go on with the business of the house.

Sir *Rob. Phitlips* saith, that those princes are most protected by God, who rely most on his protection: that we have received 3 great blessings of God in the king for us, and us for the king. 1. The preservation of his maj. in Scotland (from Goury's Plot) for us: 2. Us for the king in 1588: and 3. The king and both houses of parl. from the Gunpowder Treason here in this place, that we may do him service: that Spain hath ever and will still make the Romish religion the great wheel or engine to effect his ambitious ends. He prayeth God, that we may be warned by our politic blazing star, (the Infanta) as we are by that natural blazing star. He would not now have us put it to the question, whether we will give a present Supply or no. If we give Subsidies now, they cannot possibly be levied to come so soon as the Supply is needful to be sent into the Palatinate. He would have us appoint a committee to consider hereof, and to ripen it for the house, that we may the better know, how money may be presently raised for a present Supply.

Mr. *Alford* saith, that, since the Powder Treason, the papists say, there hath been no practice against our king; and he wisheth, that now, on our loose with Spain, those who are about the king should look that he be not endangered. He would have us look on England as well as the Palatinate, and proceed with the business of the house and the Supply both together.

Mr. Serjeant *Ashley* saith, that he thinketh there may be a present Supply given, but he would have the business of the house go hand in hand with that of the Supply. He would have us give for a present Supply one subsidy and two 15ths.

Sir *Jul. Cæsar*, master of the rolls, would not have it put to the question, whether we shall give or no. He thinketh the business will be best debated at a committee.

Sir *Wm. Stroude* thinketh, none but popish-hearted people will give with an ill heart to supply the army in the Palatinate; and would have a committee to consider of this business.

Sir *Nath. Rich* would have it cleared, whether we are bound or no by our Declaration to give; for he thinketh we are not thereby bound, and desireth to have it decided, because otherwise it may seem to take from the freeness of whatsoever we shall now give. He would have his maj. know of our proceedings here in this business before we resolve on giving a Supply, and would have a committee appointed for that purpose. He would have expressed some solemn declaration of our sorrow for the lamentable state of our religion, and that in this business we should begin with God. He would have a League confirmed between us and the Princes of the Union, by act of parl. according to ancient precedents: and then that we consider of our safety here at home, and next of war abroad.

Mr. *J. Finch* saith, that he taketh it, that we are now past all hope of peace; and then, a war being necessary, he thinketh we should debate and determine of what war; whether only of that in the Palatinate, or of a thorough war. He would have the Supply and bills go hand in hand.

Sir *Dud. Digges* would have it put to the question, what we have done here these two days; but it cannot be answered, for we have here only discoursed of our grief for the general afflicted estate of Religion and of the Palatinate, but have not yet ripened any thing for the question. He thinketh, we are not so strictly tied by our Declaration to give a Supply, as it is said abroad, and yet are we so

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obliged, as we cannot well discharge it without giving some present Supply. The question, he thinketh, is to be, whether we will give a present Supply for the preservation of the Palatinate or no. He would have us also appoint a committee, to debate of what Supply we will give, and how soon we are to give it; but what we shall agree to give, he would have given according to the ancient parliamentary course.

Sir *Geo. Moore* saith, that, there being in queen Elizabeth's time demanded here an aid for the Low Countries, it was referred to a committee to consider of, and it is a good thing to follow good and ancient precedents in such weighty causes and businesses.

Mr. *Towerson* saith, that a Supply cannot be returned by bills of exchange into the Palatinate, if it were provided, in less time than 2 months, whereof he desireth this house well to consider.

Sir *Guy Palmes* saith, that the country saith, that we have already given subsidies, but have brought them nothing. He would have us, first, to desire the Lords to go on with the bills that we have sent up into that house, and that we here proceed with others, and that the Pardon may be prepared; and then we will give cheerfully to a Supply.

Sir *Fra. Seymour* desireth, that a committee may be appointed to set down a course, how we should proceed in this business, for otherwise we shall but walk in a labyrinth: and that a course be taken in the mean time, that bills may be made ready for a sessions.

It was then, Resolved, "that a Committee of the whole house be appointed, to consider. 1. Touching the state of Religion, and for a Petition to his maj. for Execution of Laws against Jesuits, Papists, &c. 2. Of what Supply fit for the present, for the Palatinate, when, and of the manner. 3. And for a Petition to his maj. for passing Bills, and making an end of this session before Christmas."

Nov. 28. At a committee: the Speaker going out of the chair, and sir Edw. Coke being put into it,

Sir *James Perrott* saith, that, according to the order yesterday, we are first to debate of our Religion: that it is the practise of the papists to educate their children altogether with recusants: that himself had a youth commended to him by the will of his father, who was stolen from him by papists, and in one month was made a papist, and so continueth: that the papists labour also by persuasion to seduce those of our religion, and do it by their books; as we have seen of late by the book shewed here by sir Edw. Coke. He would have all papists to be banished the town during the parl. and a punishment to be inflicted on such as publish any books or send any youth to be educated beyond sea, or with papists.

Sir *R. Phillips* would have a select sub-committee appointed, for to set down some heads for a Petition to be by us presented to the king, to remedy these abuses, and wrong to those of our religion; and that the Petition may not only be for the making of new laws, but for the execution also of the old laws; and that such heads, as they should gather to this purpose, should be afterward considered of at this grand committee.

Mr. *Wymme* saith, that the king's affections are all good in him, but, through malice, the adverse party hath made ill use of them, and for his maj.'s and our disadvantage. God saw all things that he had made, and said, it was good; and yet the devil, out of malice to that good, did work the overthrow of man's salvation. He observeth 4 especial affections in the king, which, though they are all of them very good in his maj. yet are they abused. 1. The mercy of the king, out of the abundance whereof the king published in parl. that men's consciences ought not to be forced, nor any man ought to suffer for religion; out of this have the papists wrought their ill ends and brought divers dangers to this state. For remedy to this, he would have us, by petition, to let the king understand, that the execution of laws against papists, forces not their consciences, but prevents mischiefs; and therefore he would have the papists used like madmen, and have all dangerous weapons taken from them. The 2nd affection is the too much Lenity of the king, which hath made papists insult and grow too bold. He would have us desire his maj. to make himself the object of his lenity, and not the papists. The 3rd affection is the king's too great bounty; whereby, when the king hath for reward of service bestowed the forfeiture of any papist's estate on any of his maj.'s servants, the papists have presently got the same again at very easy rates. The 4th affection is his maj.'s friendship with other States; that other states, out of a pretence of friendship, have by importunity obtained many advantages against our religion, and gotten too large a liberty for the recusants here. He desireth, he may not be mistaken and thought to tax the king for these things; but he desireth only, that we should beseech his maj. not to admit papists to come so near him to work on his affections: that we should intimate to the king, that none can get greater popularity now than to be a friend and favourer of the papists.—He would have it offered to the king, that the incompatibility of the popish religion, of all other things, works most for the advantage of those princes who are of it, to effect the ends of their ambition. He would now have it made known to the king, that the pope hath blown over the fire of his Romish religion into this kingdom, and that the popish party here are as tinder ready to take fire: that it should be told the king, how the papists flock to the Spanish ambassador's; which is a thing in foreign parts not permitted, and whereof all are very jealous, even in kingdoms where all are of one and the same religion. He would have us beseech the king, that there may be a Commission from his maj. to some men (whereof he would have us desire that some might be of this house, and some of the upper house), to



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see the laws here of England duly executed against papists. And he would have these things offered to the king by some hon. members of this house.

The house being resolved into a committee touching the business of a Supply for the Palatinate; wherein is to be considered of, what is to be given, when, and in what manner,

Sir *Nath. Rich* saith, that it is to be considered by the committee, what or how much is fit to be given: and to know this, we are first to consider the state of the Palatinate, as it stands. And for this he would have us appoint a sub-committee of this house, of such as know the state of the Palatinate, and have been in the wars, and know best the charge of a war.

Sir *Tho. German* saith, we are now to consider of a present Supply, to keep count Mansfield's forces and our's in the Palatinate together, and not to consider of the maintenance of a long war.

Mr. *Secretary* saith, that the present Supply is to be given to our countrymen under sir Hor. Vere and to count Mansfield's army: and that which is now to be considered of is a present Supply to keep the forces in the Palatinate together, and not for a Supply of a long war.

Sir *R. Phillips* saith, that the present Supply to be given is but to maintain the army there for 2 or 3 months, whilst the king doth labour by mediation and treaty to get the Palatinate. He would have us give what we think fit to be given, in a parliamentary course; and he thinketh, one Subsidy will be enough for the present Supply, and therefore would have us now give so much, as shall make up that part of the Subsidy which is yet unpaid one whole Subsidy.

Sir *E. Warder* saith, that it appeareth by the books in his office, that the last subsidy was but threescore and eleven thousand pounds; and a 15th is usually 29,000l.: that the nobility's Subsidy was included in the threescore and eleven thousand pounds; but the Subsidy of the Clergy is a distinct thing, and did not this year amount to above 20,000l.

Sir *Wm. Stroude* would have but one Subsidy given; and he would have the papists to pay duly what by the law they have forfeited to his maj. and that they should also be taxed to give more than what their shares come to. He would have this subsidy levied only of the principal gentleman of the country and that the poorer sort should not be taxed at all.

Mr. *Tho. Crewe* would know, against whom we should give, that we might proportion our gift *secundum majus & minus*. He would have us take heed we give not a third Subsidy, to be paid within one year; for there is no precedent of it: but yet he would have a present Supply given, so as we might have some bills. He liketh that we should give a subsidy now, but would not have it to be paid within the compass of that year wherein we have already given two subsidies to be paid already; but the supply might be otherwise taken up, and what we shall here give may be an assurance for those who lay it out.

Sir *Edw. Coke* would have all convicted papists to pay double subsidies; for they are more strangers to our faith and the good of the commonwealth, than strangers who, by our law, pay double subsidies: and he thinketh, that this addition, if it be truly levied, will make the subsidy 100,000l.

Sir *Henry Poole* would have papists pay double subsidies; and he thinketh one subsidy to be enough for this time; and hopeth, that it, being given with alacrity, will give good content to the king, and supply well enough the present occasion and necessity.

Sir *Geo. Moore* saith, if we give not speedily, we diminish our affections to the good of the Palatinate; but he would have a committee of such of this house, as are skilled in warlike affairs, to set down a proportion what we should give.

Mr. *Alford* saith, that it belongeth only to the king to make war, and to us only to aid him in it, and not to us to make a war. He liketh that one subsidy be given, but would have expressed, in the preamble, the necessity and weighty occasions of our giving this third subsidy, it coming within the compass of one year, that it may not be drawn into a precedent for the like hereafter.

Sir *Tho. Hobby* would have the papists pay double subsidies, and would have power given to the justices of peace, as well as to the sessors, to assess the recusants, and that they should pay at their mansion house, wheresoever they dwell; for otherwise they will shift away, and have no certain place of abode. For the recusants now-a-days pay nothing at all to taxes or subsidies, nor are at the charge to find any armour or horse, as other subjects do; excusing themselves that their lands are all in the king's hands by the statute whereby two parts of three of their land is given to the king.

Sir *John Strangeways* saith, that he liketh that one Subsidy be given, and recusants to pay double; for they live here at a low rate of that other men do; for they never undergo the payment of any church taxes to the poor or others, nor the charge of being justices of peace, nor are ever made sheriffs, and are also free from divers other charges and taxes. And he would that all recusants, either convicted or known recusants, who take the profits of their lands, should also pay double subsidies.

Sir *Nath. Rich* saith, that the king hath not desired any thing this parl. of the house, wherein the house hath not shewed their affections, and, by the manner of giving or granting it, have exceeded the matter of the gift; and he would not have one negative heard in any thing we grant to this king, and therefore desireth the question may be put only for one subsidy.—It is, by question, agreed on by this committee, that one Subsidy shall be given for a present Supply of the Palatinate, and that papists convicted should pay double subsidies,

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and that this subsidy should be paid in February next.

Sir *Geo. Chaworth* moveth, that the house will now take mr. Towerson at his word, and in lieu of the 20 or 30 subsides, which he said the merchant adventurers would give, that that company should lay out this promised subsidy presently, and that the country should pay it in order.

Mr. *Secretary* says, *necessitas est extrema lex:* there is a great necessity of a present Supply: that the king hath already disbursed 40,000l. lately, for the Palatinate, and before that so much as doth amount to the arrearages of the subsidy to come, and he is to pay it shortly; and, if this subsidy come not sooner than August, as is proposed, the king will not be able to take up any more.

Sir *Hen. Poole* would have the Subsidy paid in Feb. next.

Sir *Tho. Wentworth* would not have us capitulate with the king, not to give the subsidy on condition to have a sessions before Christmas; but would have us petition the king for a sessions, without hope whereof he would not have given this Subsidy.

On the Speaker's going into the Chair,

Sir *Edw. Coke* reported, "that the committee had resolved that two Petitions shall be drawn: the 1st for the Advancement of Religion; the 2nd for a Sessions before Christmas: that it had also resolved, to give one entire Subsidy, to be paid in Feb. next, for the Supply of the Palatinate; and that all papists convicted shall pay (as strangers) double subsidies, and also all who are known recusants, and that they shall be assessed by the commissioners for the subsidy, in the place of their mansion house, or where they have lands; and, if they have no mansion house, then where they abide, and for all those lands or leases, whereof they, or any for them take profits."

Dec. 1. Sir *Hen. Poole* rose and said.—Mr. Speaker: If we shall suffer the council table to call in question such as sit here for parliamentary business, then farewell England; that which mr. Secretary hath heretofore said in excuse of this matter, that sir Edwyn Sandys was not called in question for any thing he did or said in parl. satisfieth not me for these reasons: 1. Because that which was said or done was so done or said in private, whereas sir E. Sandy's commitment is voiced throughout all England. 2. Because mr. Secretary is a party, and therefore no fit person in this case. Therefore I desire that some members of this house may be sent to sir E. Sandys, to question him of the cause of his commitment.

Mr. *Spencer*. That sir E. Sandys be sent to, to send us word, whether he were committed for parliamentary matters in the house or not: for we are not only confined within these walls with our privileges, but in Westminster-hall.

Mr. *Mallory*. We are intrusted for our country. If we lose our privileges, we betray it. If we give way to this, we lose our privileges; and losing them, we deserve to be hanged. Let us not look upon ourselves only, but upon our posterities also. Those honourable persons that sit about the chair, know not whether their posterity shall be privy councellors, or no. Neither are they sure that children shall not be so served. I have heard it delivered in former parliaments, That no member of this house, during the sessions, should be questioned, except it were for felony, murther, or treason. Therefore I desire, that sir E. S. may be sent for; and if he cannot come, that he be required to set under his hand, as he is a gentleman, for what he was questioned.

Mr. *Spencer* said, our privileges are broken, which are and ought to be dearer to us than our lives. Sir E. Sandys, a worthy member of this house hath been committed since the adjournment. The speech of that honourable person (mr. Secretary Calvert) that spake touching this matter, gave me no satisfaction. For he said, it was not for any thing done or spoken in the house; yet it may be for speaking of parliament business out of the house. I would gladly know, whether we are not as free to speak in Westminster-hall, as here: and whether we are a parl. in the forenoon, and not in the afternoon. Then farewell privileges, and farewell England!

Mr. *Chancellor of the Dutchy* saith, it is an easier matter to raise an inflammation, by the specious title of Privileges, than to allay it again: that the apprehensions of the king, concerning the commitment of sir E. Sandys were great; and king's hearts are inscrutable: that, since sir E. S. was innocent of what he was examined for, he desireth, we will not any farther stir in the cause of his commitment; it having been only for some apprehensions in his majesty.

Sir *Hen. Witherington*. I have heard this business hath been questioned 3 times before my coming up. Better never questioned, than receive no satisfaction. They told me in the country, you are as like to speak as any man: take heed, you see what is become of sir E. S. You are brave fellows whilst you are together; but what becomes of you when you are parted? My council is, to send for sir E. S.; and if he be sick, that he be required to make his declaration of the cause of his imprisonment.

Sir *Samuel Sandes*. If silence in time of necessity did not equally incur blame with too much loquacity, I should have kept silence at this time: but sithence this time and this cause doth seem to call me up in particular, I crave your patience to speak what I know in this business. Something hath been spoken by way of prevention of the king's justice. There is no man goes about to lay any imputation upon his maj.'s justice: but we know, princes judge not always by their eyes, but by their ears. In the 1st place, they have care of their own safety; and it beseems their wisdoms, upon jealousies, to enter into examination of such as they suspect. And in the 2nd place, though I am very near unto him, yet I know

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not for what my brother was examined, I know not one question that was asked him. We have liberty and privilege, but not to deny kings to be jealous of themselves, and upon such jealousies to examine such as they suspect. The state thought fit to examine him; and then it was fit he should be restrained, before he was examined, that so he might speak his own thoughts. He wrote unto me this week, that he was sick, and could not do that service to this house which he desired. My humble motion is, that the business may rest till he be able to come up, and then he may utter his own thoughts. And that in the mean time, you would not suspect or be jealous of those proceedings which are just.

Sir *George Moore*. That entry might be made in the book, that after we are once elected, we should maintain our privileges.

Sir *Tho. Bellasis*. That if he be not able to come, to signify if he were committed for parliamentary matters or no, or examined.

But the house would not be satisfied. It was ordered notwithstanding, that sir Peter Hayman and mr. Mallory should go to sir E. Sandys on Monday, to bring him to the house if he were able, if not to require him to send a declaration in writing, Whether he were examined or committed for any parliament business or no?

Dec. 3. Sir *Edward Coke* reported, that the committee of this house had met, and agreed on a Petition to be delivered to the King for the matter of Religion and for a Sessions; and repeated the effect of the petition before written.

Sir *Edw. Sackville* would not have the point of this Petition, concerning the Marriage of our prince with no catholick princess, &c. mentioned in the said petition; for it is the privilege of princes to marry where they list: and, since we are so careful of our own privileges, he would not have us seek to limit our prince. He would not have this house do as Phaeton did, take in hand the rule of a chariot which appertains not to us; lest it cause as great a confusion here, as the other is said an inflammation of the whole world.

Sir *James Perrott* saith, that there are 3 things which make us to mention that part of the Petition, concerning the prince's marrying with one of our own religion. 1. Former precedents: 2. Imminent peril: 3. His maj.'s promise. The precedents are many: the peril and inconveniences we see daily in private families, where man and wife are of contrary religions. He alegeth a lamentable taking out of one mr. Acton and his wife, after they had lived 6 years together, they being of different religions: that his maj. promised us, he would not match his son but for the glory of God, his church and the realm.

Sir *Rich. Weston*, chanc. of the excheq. desireth to know, whether ever from this house there began treaties of war, marriage and religion, that did succeed well, or were pleasing to the kings. He desireth therefore, that we may, in these things, be strengthened with good precedents; lest we, instead of a remedy, provoke his maj.'s displeasure, by dealing with things of so high a nature, without some warrant first received from his majesty.

Mr. *Wentworth* saith, that, for the question, whether the thing that we meddle with be not alium sapere; he saith, that in this business we meddle not, but with what is for the glory of God, and the king's honour; and God himself doth allow us to petition to him for any thing that may be for his glory and church. He would have the Petition qualified: he would not have us press the king to let us know, what he intended to do concerning these things. We mention them in our Petition, but only to express therein the causes of our fears, and the remedies; leaving it to his princely consideration, without desiring to know his purpose therein.

Sir *Geo. Moore* saith, it belongeth to us as parliament men to put the king in mind, what are the causes, as we conceive, that do or may increase the danger of our religion; and, amongst other things, to say, that the hope of the Match causeth the insolencies of the papists, to the danger and hazard of our religion: and so likewise for war, but to tell our opinions, and leave all to the king's wisdom and consideration.

Sir *Rob. Phillips* saith, that this our course being strengthened with reason and confirmed with his maj.'s invitation, he thinketh, that we need not to doubt of his maj.'s gracious acceptance. He saith, that the king invited us, by a speech at Whitehall, to speak freely of the Grievances of the kingdom: that there was never a question of a prince of England to marry with one of a contrary religion; and therefore he doubteth not, but we may create a precedent of it, if we have not any: that the Match with Spain, with Philip, and Mary, was debated in parl. and she said, she would desist in it, if the Match were not found convenient in parl.; and, if she had not blemished her reign with stains in other things, there had remained a better memory of her than now there doth. He would have the Petition go on, without desiring an Answer from his maj. but leave it wholly to his princely consideration.

Sir *Hen. Vane* desireth, that we should seek for precedents, whether that the marriages of princes have used to be treated of here, before it be sent hither by the king, lest we grasp more than we can hold fast.

Mr. *Heneage Finch*, recorder of London, saith, he knoweth nothing in the Petition, but that we may petition of to the king; though, he confesseth, it containeth the greatest matters, that ever came within these walls. But we proceed humbly by Petition, on the consideration of the king's speeches, that he will never marry the prince but so as shall be for the advancement of this church and realm: that, if the king should break off the match, on the petition of this whole kingdom, it will satisfy all the world of a good reason so to do. And,

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since we have proceeded in this Petition so far, he thinketh it were a deserting of our religion, as if we were careless, having taken it in hand, whether the prince did marry with one of our religion or no: that he thinketh, there is nothing in the petition, but what may, with humbleness, very well be presented to his majesty.

Mr. *Brooke* saith, that we prescribe, by our Petition, nothing to the king; but, for such and such reasons, humbly desire, that he will be pleased to think of some match for the prince, with one of our religion. To make war or peace belongeth only to the prerogative of the king: but we are invited to it by the speech we had delivered us by the command of the king, whereby we were told, that there was no hope of peace. On which proposition and invitation, we humbly beseech, by Petition, the king to consider of the best course for a war: and therefore, since these things originally proceed, not from us, but the king, he would have us proceed in it.

Mr. *Tho. Crewe* saith, it is a wonder to see the spiritual madness of such, as will fall in love with the Romish harlot, now she is grown so old a hag. There is a statute H. 8. that, if a priest did lie with his own wife, it was felony; but, if he committed adultery with another, it was not held as any great offence. It is an inherent prerogative of the king to make peace, war, call parliaments, &c. and to match his son, as well as any private father; but therein the subject hath an interest. It is one thing to assume authority or interest, and another humbly to shew, by Petition, what may be prejudicial to the king and state: that in the time of Rich. 3. an ill king, there were made the best laws for the good of the subject: that, in Elizabeth's time, the treaty of her marriage was here in this house, and the Petition of this house to her concerning it was by her lovingly accepted; because it did beseech her to marry without limitation; and so do we petition to the king for the prince, without limiting either time or person. There is a speech to parl. in print (see p. 703), wherein that queen doth express to the parl. her intent to marry in a convenient time. And we conclude nothing in our Petition, but leave all to the king's pleasure.

Sir *Edw. Coke* saith, 'melius est recurrere, quam male currere.' It is true, that the father, even amongst private men, should have power to marry his children. The indisputable prerogatives of the king are, to make peace, war, and marriages for his children: but this is a Petition of remembrance or grace, without desiring an Answer: that we have heard from the lords, that peace is denied the king, and that the voice of Bellona, not the turtle, must be heard; and that the king must either abandon his children or engage himself in a war, and that on a standing war. And this is a ground (coming from the king) to invite us to as much as is contained in the Petition, for the marriage of the prince, that we, by this Petition do endeavour to second our former Petition against recusants, and set down in this Petition, that the hope of this match doth make the papists insolent, and do humbly, by petition, without expectation of an answer, by way of remedy, beseech his maj. for the cutting off of their hopes, to marry the prince to one of his own religion, and this without any farther limitation: and this may serve as an answer, when his maj. shall be again solicited for the match. That Edw. 3. did confer with the Commons, for his marriage; but this conference moved from the king himself: that 42 Edw. 3. the king having a war with a foreign prince, and growing weary with bearing his armour, did treat for a peace, and he acquainted the Commons with the treaty: and the Commons, by petition, did beseech him, that he would take his sword in his hand; for a just war was better than a dishonourable peace. He sheweth a record of 4 Hen. 5. entitled, 'The safety of the Lords and the Commons,' where it is set down, That it shall hold for ever, that it shall be lawful for the Commons themselves to talk of the safety of the kingdom, and the grievances and remedies thereof: that the writ of summons sheweth, that we are called hither for the defence and state of the king and kingdom, and the religion. He thinketh the Petition to be good, and liketh it, in omnibus.

Mr. *Noye* saith, that, by the debate of this business, he is grown to some resolution, and yet he hath some doubt. He saith, that the growth and insolency of the papists doth lie within our cognisances, and we may treat of it. He liketh the form and manner of the Petition. His doubt is, and he desireth to be resolved, whether, if we petition for war against the king of Spain, we do not break the league with the Spaniard. He doth not conceive, that it is more lawful for us, by the law of nations, to invade any of the Spaniard's territories, because he hath aided the emperor; than for the Spaniard, during our truce or league, to invade any of our territories, because our king hath aided the Palatinate against the emperor. And he desireth herein first to be cleared of this doubt.

Mr. *Solicitor* saith, he will not enter into dispute of so high a point, as the doubt propounded by mr. Noye: only thus much he saith to it, that we do, in the Petition, but deliver our opinion, and refer all to the king's judgment. He wisheth, that this doubt, being of so high a nature, may receive no debate here; but that we should give up our Petition as it is, referring all such like considerations to the king's wisdom. And he saith, if we are commanded by God to petition to him for such things as we desire, he thinketh, we may boldly petition to the king, his lieutenant. He would have to be inserted into the Petition expressly in words (to avoid all misinterpretations) that we do not seek to prejudice or blemish, in the least point, his maj.'s royal prerogative.

The *Speaker* saith, that this is not a Petition as concerning the matter of religion and the

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recusants, but only a mere remonstrance, and that it is a Petition for the sessions only.

Sir *Tho. Wentworth* would have the Petition go by itself, and the Remonstrance by itself.

Sir *Rob. Phillips* saith, that, as it now is, the Remonstrance and the Petition are something involved one in the other; and therefore he would have a committee to take it presently into the committee chamber, to make them more distinct; and would have, at the end of it, two or three words added, that we seek not to touch, in the least point, on the royal prerogative.

Mr. *Glanvile* would not have added, to the end of the Petition, any clause, that we do not, by this Petition, seek to prejudice the royal prerogative; lest we thereby lose something of our own privileges, to treat in this manner of businesses of this nature.

Sir *Dud. Digges* desireth, that mr. Glanvile's motion, for the privileges of this house, may not hinder the course and inclination of this house, to insert, in the end of the Petition, this clause, "That we seek not to make, hereby, any breach of the Privileges of the royal prerogative."

*Petition and Remonstrance of the Commons against Popery—the Spanish Match, &c.*] A Committee accordingly retired into the committee chamber, to insert those words, to avoid all scruples and misinterpretations; which being done, it was ordered, that the Remonstrance and Petition aforesaid, with this Addition, and the Petition annexed, shall be thus presented to the king:

"To the King's most Excellent Majesty,

"Most gracious and dread Sovereign; We, your maj.'s most humble and loyal subjects, the knights, citizens, and burgesses, now assembled in parliament who represent the Commons of your realm, full of hearty sorrow to be deprived of the comfort of your royal presence, and the rather, for that it proceeds from the want of your health, wherein we all unfeignedly do suffer: in all humble manner calling to mind your gracious Answer to our former Petition concerning Religion, which (notwithstanding your maj.'s pious and princely intentions) hath not produced that good effect, which the danger of these times do seem to us to require; and finding, how ill your maj.'s goodness hath been requited by princes of different religion, who (even in time of treaty) have taken opportunities to advance their own ends, tending to the subversion of religion, and disadvantage of your affairs, and the estate of your children; by reason whereof your ill-affected subjects at home, the Popish Recusants, have taken too much encouragement, and are dangerously increased in their number and in their insolencies. We cannot choose but be sensible thereof, and therefore humbly represent what we conceive to be the Causes of so great and growing Mischiefs, and what may be the Remedies.

CAUSES.

"1. The vigilancy and ambition of the Pope of Rome and his dearest son; the one aiming at as large a temporal monarchy, as the other at a spiritual supremacy. 2. The devilish positions and doctrines whereon popery is built and taught with authority to their followers, for the advancement of their temporal ends. 3. The distressed and miserable estate of the professors of our religion in foreign parts. 4. The disastrous accidents to your maj.'s children abroad, expressed with rejoicing, and even with contempt of their persons. 5. The strange Confederacy of the princes of the Popish Religion, aiming mainly at the advancement of theirs, and subverting of ours, and taking the advantages conducing to that end upon all occasions. 6. The great and many armies raised and maintained at the charge of the king of Spain, the chief of that league. 7. The expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great hopes of the consequences thereof. 8. The interposing of foreign princes and their agents, in the behalf of Popish Recusants, for connivance and favour unto them. 9. Their open and usual resort to the houses, and, which is worse, to the chapels of foreign ambassadors. 10. Their more than usual concourse to the city, and their frequent conventicles and conferences there. 11. The education of their children in many several seminaries and houses of their religion, in foreign parts, appropiated to the English fugitives. 12. The Grants of their just Forfeitures intended by your maj. as a reward of service to the grantees; but, beyond your maj.'s intention, transferred or compounded for, at such mean rates, as will amount to little less than a toleration. 13. The licentious printing and dispersing of Popish and seditious books, even in the time of parl. 14. The swarms of Priests and Jesuits, the common incendiaries of all Christendom, dispersed in all parts of your kingdom.

THE EFFECTS.

"And from these Causes, as bitter roots, we humbly offer to your maj. that we forsee and fear there will necessarily follow very dangerous Effects both to church and state. For, 1. The Popish Religion is incompatible with ours, in respect of their positions. 2. It draweth with it an unavoidable dependency on foreign princes. 3. It openeth too wide a gap for popularity, to any who shall draw too great a party. 4. It hath a restless spirit, and will strive by these gradations; if it once get but a connivance, it will press for a toleration; if that should be obtained, they must have an equality; from thence they will aspire to superiority, and will never rest till they get a subversion of the true religion."

THE REMEDIES.

"The Remedies against these growing evils, which, in all humility, we offer unto your most excellent maj. are these: 1. That seeing this inevitable necessity is fallen upon your maj. which no wisdom or providence of a peaceable and pious king can avoid; your maj. would not omit this just occasion, speedily and effectually

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to take your sword in your hand. 2. That once undertaken upon so honourable and just grounds, your maj. would resolve to pursue, and more publickly avow, the aiding of those of our religion in foreign parts; which doubtless would re-unite the Princes and States of the Union, by these disasters disheartened and disbanded. 3. That your maj. would propose to yourself to manage this war with the best advantage, by a diversion or otherwise, as in your deep judgment shall be found fittest; and not to rest upon a war in these parts only, which will consume your treasure, and discourage your people. 4. That the bent of this war, and point of your sword, may be against that prince, (whatsoever opinion of potency he hath) whose armies and treasures have first diverted, and since maintained the war in the Palatinate. 5. That for securing of our peace at home, your maj. would be pleased to review the parts of our petition, formerly delivered unto your maj. and hereunto annexed; and to put in execution, by the care of choice commissioners to be thereunto especially appointed, the laws already and hereafter to be made for preventing of dangers by Popish Recusants, and their wonted evasions. 6. That to frustrate their hopes for a future age, our most noble prince may be timely and happily married to one of our own religion. 7. That the children of the nobility and gentry of this kingdom, and of others ill-affected and suspected in their religion, now beyond the seas, may be forthwith called home by your means, and at the charge of their parents or governors. 8. That the children of Popish Recusants, or such whose wives are Popish Recusants, be brought up, during their minority, with protestant school-masters and teachers, who may sow, in their tender years, the seeds of true religion. 9. That your maj. will be pleased speedily to revoke all former licences for such children and youth to travel beyond the seas, and not grant any such licence hereafter. 10. That your maj.'s learned council may receive commandment from your highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by law they can; and that your maj. will stay your hand from passing any such Grants hereafter.—This is the sum and effect of our humble Declaration, which we (no ways intending to press upon your maj.'s undoubted and regal prerogative) do with the fulness of our duty and obedience, humbly submit to your most princely consideration the glory of God, whose cause it is; the zeal of our true Religion, in which we have been born, and wherein, by God's grace, we are resolved to die; the safety of your Majesty's Royal Person, who is the very life of your people; the happiness of your children and posterity; the honour and good of the Church and State, dearer unto us than our own lives, having kindled these affections truly devoted to your maj. And seeing out of duty to your maj. we have already resolved to give, at the end of this session, one entire subsidy, for the present relief of the Palatinate only, to be paid in the end of Feb. next, which cannot well be effected but by passing a bill in a parliamentary course before Christmas; we most humbly beseech your maj. (as our assured hope is) that you will then also vouchsafe to give life, by your royal assent to such bills, as before that time shall be prepared for your maj.'s honour, and the good of your people: And that such bills may be also accompanied (as hath been accustomed) with your maj.'s gracious Pardon which (proceeding from your own meer grace) may, by your highness's direction, be drawn to that latitude and extent, as may best sort with your maj.'s bounty and goodness. And that not only felons and criminal offenders may take benefit thereof, but that your good subjects may receive ease thereby. And if it shall so stand with your good pleasure, That it may extend to the relief of the old Debts and Duties to the Crown before the first year of your maj.'s reign; to the discharge of Alienations without Licence, and misusing of Liveries and Oustre le Maine, before the first summons of this parl.; and of concealed Wardships, and not suing of Liveries, and Oustre le Maine, before the 12th year of your maj.'s reign. Which gracious favour would much comfort your good subjects, and ease them from vexation, with little loss or prejudice to your own profit.—And we, by our daily and devout prayers to the Almighty, the great King of Kings, shall contend for a blessing upon our endeavours, and for your maj.'s long and happy reign over us, and for your children's children after you, for many and many generations."

We are told that when this Remonstrance was perfected by the Commons the king had a copy of it before the house had time to send their messengers with it. In which some things so highly displeased him, that, as will be seen by the Proceedings of the Commons, he instantly dispatched a Letter to the Speaker to forbid the sending of it.

*The King's Letter to the Speaker.*] Dec. 4. Mr. Secretary *Calvert* delivered to mr. Speaker a Letter, even now received from his maj. directed to mr. Speaker; which mr. Speaker desired liberty first to read privately to himself: and was yielded unto. And then he read it, publickly, as follows:

"To our trusty and well-beloved sir Thos. Richardson, knt. Speaker of our Commons' House of Parliament.

"Mr. Speaker; We have heard, by divers reports, to our great grief, that the far distance of our person, at this time, from our high court of parl. caused by our want of health, hath emboldened some fiery and popular spirits in our house of commons, to debate and argue publickly on matters far beyond their reach or capacity; and so tending to our high dishonour, and to the trenching upon our prerogative royal. You shall therefore acquaint that house with our pleasure, that none therein shall presume to meddle with any thing concerning our government or mysteries of state,

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namely, not to speak of our dearest son's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends or confederates: and also not to meddle with any men's particulars, which have their due motion in any of our ordinary courts of justice. And, whereas we hear, that they have sent a message to sir Edwin Sandys, to know the reason of his late restraint, you shall in our name resolve them, that it was not for any misdemeanour of his in parl. But, to put them out of doubt of any question of that nature, that may arise among them hereafter, you shall resolve them, in our name, that we think ourself very free and able to punish any man's misdemeanours in parl. as well during their sitting, as after; which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there, that shall be ministred unto us. And, if they have already touched any of these points, which we have forbidden, in any petition of their's, which is to be sent unto us, it is our pleasure, that you shall tell them, that, except they reform it, before it comes to our hands, we will not deign the hearing or answering of it. And, whereas we hear that they are desirous, that we should make this a session of parl. before Christmas, you may tell them, it shall be in their default, if they want it: for, if they will make ready between this and that time some such laws as shall be really good for the commonwealth, we will very willingly give our royal assent unto them. And so it shall thereby appear, that, if good laws be not made, at this time, for the weal of the people, the blame shall only, and most justly, lie upon such turbulent spirits, as shall prefer their particular ends to the weal of this kingdom and commonwealth. And so we bid you farewell. Given at our court at Newmarket, the 3d day of December, 1621."—The Letter being read,

Sir *Rob. Phillips* saith, that this house hath had propositions and debate of great matters, but none of so great consequence as this, occasioned by this his maj.'s Letter. He wisheth the king knew our hearts; for the duty of all, or the best part of his maj.'s subjects, is now in question. He moveth, that we should send to stay the messengers appointed to go with the Petition to the king; and that now we would rise, and consider, till to-morrow, what to do in this great business, so nearly concerning us and our privileges.

It was accordingly ordered, "That two Messengers be sent by post, to recall those that have been sent."

Mr. Solicitor *Glanvile* saith, he doubteth not, but, if we proceed by Petition, in an humble manner, to the king, that his maj. will hear us graciously: that he believeth, it is the labour of our adversaries to make a breach and misunderstanding between the king and us; and therefore praveth, that, for God's cause, and as we tender our duties to the king and commonwealth, we will not rise presently on a discontent, which will but rejoice our adversaries.

Mr. *Alford* saith, that he hath ever respected the king as the head, and the commonwealth as the body: that in Elizabeth's time, in the matter of the Union, the parl. did rise and consider of it, before any man would debate thereof, it being a matter of a high nature and consequence. And so he would have us do in this business; rise now, and consider of it till to-morrow, that we may be the better able then to speak and debate of it. He desireth also, that the king's Letter may be here now read again; and that every one that will may have a copy of it, the better to consider till to-morrow what to say to it.

Sir *Wm. Stroude* saith, he thinketh that our thoughts being now disturbed by this message from his maj. we are not fit or able to debate of any thing, till we have considered of it and digested it; and therefore would have us now rise, and not so suddenly debate of this business, it being of the greatest consequence for our privileges, that ever came hither.

Sir *Dud. Digges* would have us go forward with that constancy, which hitherto we have always proceeded withal, in that great business of the Petition. He would that we should now rise but not as in discontent, but rather resort to our prayers, and then to consider of this great business.

Dec. 5. Mr. *Delbridge* rose up and said, that the trade in the West Country was much decayed heretofore by the great number of Impositions; and now, of late, they are almost all undone by pirates. But now he would have us lay aside all respects of trade, considering the miserable State of Religion, the lamentable estate of the king's children, whom every man loveth for the stock's sake, from whence they come. As for the privileges of this house, touching the Petition we prepared for the king, he had as willingly hang under the gallows, as fry over a faggot. And therefore, the State of our Religion standing as it doth, he would have us go to the king again and again with our Petition, as we do to God, and no doubt but his maj. will hear us at length.

Sir *Rob. Phillips* saith, that now is the time to justify the affection of the people to the king, and to defend the privileges of this house, which our ancestors have delivered us, and which we ought to preserve for our posterity: that his ground and anchor-hold is, the king's word for our liberty of speech, delivered here in writing by mr. Secretary: that his life and fortunes shall ever be at the king's feet and command; but, since we have broken our privileges in yielding our obedience to his maj.'s pleasure, in many businesses here handled, because his maj. interposed (as in that of Ireland) and only out of a tender respect not to distaste his maj. he saith, he knoweth not what hath caused this soul-killing letter from the king: he calleth it so in respect of the earnest desire of our souls in that Petition. He saith that the ground of our Petition was from the Lords' speeches to us saying, that the gates of Janus (having been long shut) must now be opened, and war must

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be. Hereupon we presently took into our consideration the causes, the dangers, and the remedies of our present estate; and, if we have touched on any prince, further than the king would have us, he thinketh, the fulness of our humility and loyalty should cover abundance of faults. He would, first, have us now endeavour to stand upright in his maj.'s favour and grace: 2ndly, justify, with humility, our proceedings here: 3rdly, defend the privileges, which were never so much struck at as now. And he desireth, that there may be a committee appointed to consider, what, on the like message from former kings, the house hath done: and to consider, what we may do to set us right in the king's favour, and to proceed without breach of our privileges and liberties, without which defence we are unworthy of our lives, and to look those in the face who sent us hither.

Sir *Tho. Wentworth* would have the Speaker go out of the chair, that we might debate this business at a committee.

Sir *Francis Seymour* saith, if we do now, out of fear, forego our privileges, we are unworthy of our liberties: that we could not expect better, when as, by the malice of the members of our own house, the king is misinformed; for we have been here threatened, by our own members, to be complained of, for speaking of our consciences freely. He liketh that we should sit as a committee of the whole house, for the debate of this business; but, because we may know who it is amongst us, that hath misinformed the king, he would, that every member of this House should make here a protestation, that he is clear from using any underhand dealing between this house and the king: that we should petition the king, either to hear our Petition, or else to give us leave to go home, or sit here and say nothing.

Sir *G. Moore* saith, that we now stand between the indignation of our king, and the privileges of our house, which are the spirit of the blood of the liberties of the commonweal. Whereas the king is misinformed, that we have meddled with things above our reach and capacity, we have not done otherwise than the Samaratine woman, who, out of her faith, did but touch the hem of Christ's garment; for which Christ did not blame her, but said, that her faith had saved her. And he hopeth, when the king shall be rightly informed, he will, seeing our humility, love, and care of his honour, encourage us to proceed. He would have us make another Petition to be annexed to that which we had prepared, and present them both to his maj.; and, for the preparing of this, that we should appoint a committee.

Mr. *Hackwill* saith, if good kingdoms were mortal, as are good kings, it might be thought a vanity to stand so curiously in the defence of our privileges. He hath known three the like storms in this house: the first in 5 Eliz. when this house did press her to know her successor, which she would by no means declare or have spoken of; yet, on a Petition from this house, her maj. did give us leave to treat of it: 2. that in the same parl. there was a Petition prepared as now, to beseech her to marry; and, though she was much offended at it, yet, by our temperance in that petition, and on a 2nd petition, she did give us leave to treat and debate of her marriage here: 3. that the king heretofore, though at first he sent a sharp message to this house, when it did begin to debate of impositions, yet, on better information, he did give us leave to debate thereof. He would have us send a preparative Petition to the king, shewing, that we did not intend, by the former petition, which we had prepared, to touch on his royal prerogative; and that, when we have thus made our way to his maj. we may deliver our former petition, together with such a one as we shall make to prepare his maj. to receive it.

Mr. *Alford* saith, that we are now by the king's letter restrained of our liberty of speech. He would have us now, in this extremity, to proceed as we have done in former parliaments in the like cases; and to that end view, at a committee, all our proceedings in the business of our petition; and endeavour thereby to satisfy his maj. that we have done nothing tending to the breach of his prerogative, as his maj. hath been informed.—It was then ordered, that the Speaker shall go out of the chair, that the house may debate as at a committee.

Sir *Edw. Coke* saith, that the papists have no cause to rejoice at this our great grief; for in the king's letter there is no mention of any thing for them, or in their behalf. He thinketh, that we have done nothing but in the duty of the most dutiful subjects. He marvelleth, that any amongst us should dislike our proceedings in the Petition, since, when it passed in this house, there was not one negative. He wisheth, that those who disliked would have said No: that we had not treated of war but by intimation from the lords: that we are prohibited by the king's letter, to treat of any thing concerning the government of the state, or of any thing that hath its motion in any court of justice: that the king was once before incensed against this house upon a misinformation; but being told (though not from us) how he was misinformed, he did, of his own gracious goodness, send to this house to proceed in that business: but hereupon the house did, notwithstanding, proceed to justify their actions, and to claim their privileges. He would have us now seek out precedents and proceed accordingly.

Mr. *Pymme* saith, that the words of 'fiery, popular, and turbulent,' are laid by his maj. on the whole house; for, since we have not punished or questioned any such, but (as the letter saith) been led by their propositions, it is the act of the whole house. He desireth, a Petition may be from us to the king, to know, who his maj. hath been informed, those fiery turbulent spirits are; that we may justify ourselves, and clear the house of the taint of those words.

Sir *Dud. Digges* moveth, that, since we



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have gone farther, in the business of War and the Prince's Match, than hath been revealed unto us, that we may now go to the king, and shew so much by a Petition to his majesty.

Mr. *Tho. Crewe* would have every one of us to examine our hearts, and to consider, whether there be any thing in our Petition that is not fit to be presented to the king; and, if we find, that we have not touched therein on the prerogative, or on any thing unfit for us to present to the king, that then we would present the same (having first prepared way by another humble Petition) to the king. But, if any one find, that there is any thing in the Petition that doth dishonour the king of Spain, or toucheth affirmatively or negatively on any particular, he wisheth he would deliver his opinion to the house, and not conceal his dislike of the same: that, for himself, he hath said nothing, neither findeth any thing in that Petition, wherein he hath intended or aimed at any other end, than the safety of our religion, the king and kingdom: that the king said, he would not be ruled by will, where he could not be convinced by reason, in any thing concerning the treaty. He saith, that in 21 Ed. III. that great king, on the petition of the parl. (see p. 113,) did hear their petition, and ease them of a great Imposition, laid in a time of necessity on the subject. He desireth to be advised, whether our Petition be not, for manner and matter, such as we may present to his maj.; and, if it be, he would then have us be constant to ourselves, dutiful to the king, and careful of our liberties and privileges: and by another petition to go to prepare the king for the hearing of the former petition.

Mr. *Wentworth* would have us labour to satisfy the king; and therein, first, to set down, that we were induced to treat of the business of War by that which we heard from the Lords, and in this to think against whom the war should be, and how to cut off the sinews of the war against us; which we thought could not be, if we were allied by marriage to him, who maintaineth the war against us: secondly, by what reason of necessity we were led to treat of and petition in those businesses: thirdly, to seek forth some precedents, to see whether we have gone beyond our reach or no.

Mr. Sec. *Calvert* saith, that he believeth, that no man will now speak against any part of our Petition, it being the act and work of all of us. He thinketh, we are now to give satisfaction to the king, which is the thing now in question, and whether to proceed therein by excuse or justification. He thinketh justification is not the way, and would have us go to the king by way of excuse, and to shew the grounds of our proceedings, and how that we were therein deceived: for the king doth dislike the body of our Petition, and therefore to offer it again will but incense his maj. the more.

Sir *Tho. Wentworth* would have us shew the reason and grounds of our proceedings, and that precedents may be sought forth, to strengthen the same, and this is to be done by a select committee. He would have us forbear to mention, in our Petition, that point concerning the Prince's Marriage; because the king, in his letter, saith, that, if that point be in our Petition, he will not deign to read it: that, for that point of the king's letter, wherein he saith, that he will punish such as speak in parl. if they misbehave themselves, he would have the committee to consider of some precedents, to shew our privilege in this particular, and that we should fairly and humbly by Petition shew our liberty therein: that he would not have the bills and business in the house, for the good of the kingdom, stay or be delayed till we have the king's Answer, in these particulars, to our Petition.

Sir *Rob. Phillips* saith, it becometh the duty of us to the king to proceed with due respect and care of his honour; and also it becometh the duty and honesty of every one of this house to stand on the defence of our privileges. It is now a question, whether we shall proceed by justification or excuse: that, if we proceed by excuse, it presupposeth an error; which he saith, he shall not readily confess. He would not have us proceed so, as to wound our proceedings with too much levity and rashness. Since there was never so much distemper in the members of this house, he would not have us meddle with any thing, till we had determined this great business. He thinketh it best to proceed herein by a select committee.

Sir *Francis Ashley* would have us consider, 1st how to proceed, that we may set ourselves right again in the king's opinion; and, the king being misinformed of us, he would have us rightly inform his maj. by Petition: 2ndly, whether we shall justify our actions or no: he would not have us excuse or qualify what we have done, but to tell his maj. that, if any here do offend against his maj. we are so careful of his honour, as we will punish it: that the papists are so insolent, that they say, they do not only hope for a toleration, but do hope also to bring their ends to such a pass, as we shall be glad to sue for toleration: that reasons and precedents may be the ground of what we shall say to the king: 3rdly, for the defence of our Privileges, he would have us alledge our precedents and inform the king, that none hath here touched on any thing, which may tend in the least manner to the dishonour of the king, but we have presently punished them, before they have gone out of the house; and to desire, that, if any member offend here, we may according to the ancient course of parl. punish them ourselves.

Mr. *Alford* would have us, 1. Endeavour to stand right in the king's opinion and favour: 2. For the Maintenance of our Liberty, and Privileges of parl.: 3. He liketh well, that we should consider of the annexing of the Petition to that which we have already prepared. He would have 3 committees severally to consider of these 3 points; and that we should not pro-

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ceed with any bills, lest, in the debate thereof, we go too far in speaking of our consciences freely.

Sir *Geo. Moore* would have us, in our Petition, leave out nothing, but shew both all our petition which we have prepared, and also the causes and grounds of our proceedings therein.

A Select Committee was then appointed by the Grand Committee, to prepare a Declaration, to be sent to the king, of the manner of the proceedings of the house, in the Petition lately intended to be sent to his maj. and also concerning the Privileges of the house, and all things incident thereto. This committee to sit in the house, and every one that came was to have a voice.—A sub-committee of 12 was appointed by this Select Committee, to reduce into writing and form the Declaration, which was appointed this morning to be considered of by the Select Committee. This Sub-Committee was to meet in the Court of Wards, and to have the king's Letter, and the prepared petition, for their better assistance.

*Apologetic Petition of the Commons to the King.*] Dec. 6. The following Petition and Declaration, drawn up by the Sub-Committee of Twelve,* was read, as follows:

"Most dread and gracious Sovereign;—We your most humble and loyal subjects, the knights, citizens and burgesses, assembled in the commons house of parl. full of grief and unspeakable sorrow, through the true sense of your maj.'s displeasure, expressed by your letter lately sent to our Speaker, and by him related and read unto us: yet comforted again with the assurance of your grace and goodness, and of the sincerity of our own intentions and proceedings, whereon with confidence we can rely; in all humbleness beseech your most excellent maj. that the loyalty and dutifulness of as faithful and loving subjects as ever served, or lived under a gracious sovereign, may not undeservedly suffer by the misinformation of partial and uncertain reports, which are ever unfaithful intelligencers: but that your maj. would, in the clearness of your own judgment, first vouchsafe to understand from ourselves, and not from others, what our humble Declaration and Petition (resolved upon by the universal voice of the house, and proposed, with your gracious favour, to be presented unto your sacred maj.) doth contain. Upon what occasion we entered into consideration of those things which are therein contained, with what dutiful respect to your maj. and your service, we did consider thereof, and what was our true intention thereby. And that when your maj. shall thereby truly discern our dutiful affections, you will, in your royal judgment, free us from those heavy charges, wherewith some of our members are burthened, and wherein the whole house is involved.—And we humbly beseech your maj. that you would not hereafter give credit to private reports, against all or any of the members of our house, whom the whole have not censured, until your maj. have been truly informed thereof from ourselves: and that in the mean time, and ever, we may stand upright in your maj.'s grace and good opinion, than which no worldly consideration is or can be dearer unto us.—When your maj. had reassembled us in parl. by your royal commandment, sooner than we expected; and did vouchsafe, by the mouths of three honourable lords, to impart unto us the weighty occasions moving your maj. thereunto; from them we did understand these particulars, viz. That notwithstanding your princely and pious endeavours to procure peace, the time is now come that Janus Temple must be opened. That the voice of Bellona must be heard, and not the voice of the turtle. That there was no hope of peace, nor any truce to be obtained, no not for a few days. That your maj. must either abandon your own children, or engage yourself in a war; wherein consideration is to be had, what foot, what horse, what money will be sufficient. That the Lower Palatinate was seized upon by the army of the king of Spain, as executor of the Ban there, in quality of duke of Burgundy, as the Upper Palatinate was by the duke of Bavaria. That the king of Spain, at his own charge, had now at least five armies on foot. That the Princes of the Union were disbanded; but the Catholick League remained firm, whereby those princes, so dissevered, were in danger, one by one, to be ruined. That the estate of those of our Religion in foreign parts was miserable; and, out of these considerations, we were called to a war; and forthwith to advise for a Supply for keeping the forces in the Palatinate from being disbanded; and to foresee the means for raising and maintaining the body of an army, for the war, against the spring. We, therefore, out of zeal to your majesty and your posterity, with more alacrity and celerity than ever was precedented in parliament, did address ourselves to the service commended unto us. And although we cannot conceive, that the honour and safety of your maj. and your posterity, the patrimony of your children invaded and possessed by their enemies, the welfare of religion, and state of your kingdom, are matters at any time unfit for our deepest consideration in time of parliament: and although, before this time, we were in some of these points silent; yet being now invited thereunto, and led on by so just an occasion, we thought it our duties to provide for the present supply thereof, and not only to turn our eyes on a war abroad, but to take care for the securing of our peace at home; which the dangerous increase and insolency of popish recusants apparently, visibly, and sensibly, did lead us unto. The consideration whereof did necessarily draw us truly to represent unto your maj. what we conceive to be the causes, and what we feared would be the effects, and

* Wilson says it was reported, That, when the king heard of this second Remonstrance, he called for twelve chairs, saying, there were twelve kings a coming.

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what we hoped might be the remedies of these growing evils; among which, as incident and unavoidable, we fell upon some things, which seem to touch upon the king of Spain; as they have relation to popish recusants at home, to the wars by him maintained in the Palatinate against your maj.'s children, and to his several armies now on foot; yet, as we conceived, without touch of dishonour to that king, or any other prince, your maj.'s confederate.—In the discourse whereof we did not assume to ourselves any power to determine of any part thereof, nor intend to incroach or intrude upon the sacred bounds of your royal authority; to whom, and to whom only, we acknowledge it doth belong to resolve of peace and war, and of the marriage of the most noble prince your son: but as your most loyal and humble subjects and servants, representing the whole commons of your kingdom, (who have a large interest in the happy and prosperous estate of your maj. and your royal posterity, and of the flourishing estate of our church and commonwealth) did resolve, out of our cares and fears, truly and plainly to demonstrate these things to your maj. which we were not assured could otherwise come so fully and clearly to your knowledge; and that being done, to lay the same down at your maj.'s feet, without expectation of any other answer of your maj. touching these higher points, than what at your good pleasure, and in your own time, should be held fit. This being the effect of what we had formerly resolved upon, and these the occasions and reasons inducing the same, our humble suit to your maj. and confidence is, That your maj. will be graciously pleased to receive, at the hands of these our messengers, our former humble Declaration and Petition, and vouchsafe to read and favourably to interpret the same; and that so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the passage of bills, and granting your royal pardon, you will vouchsafe an answer unto us.—And whereas your majesty, by the general words of your letter, seemeth to restrain us from intermeddling with matters of government, or particulars which have their motion in courts of justice; the generality of which words, in the largeness of the extent thereof, (as we hope beyond your maj.'s intention) might involve those things, which are the proper subjects of parliamentary occasions and discourse.—And whereas your maj. doth seem to abridge us of the ancient liberty of parl. for freedom of speech, jurisdiction, and just censure of the house, and other proceedings there, (wherein, we trust in God, we shall never transgress the bounds of loyal and dutiful subjects) a liberty which, we assure ourselves, so wise and so just a king will not infringe, the same being our ancient and undoubted right, and an inheritance received from our ancestors; without which we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your maj.: in which we have been confirmed by your maj.'s most gracious former speeches and messages. We are therefore now again inforced, in all humbleness, to pray your maj. to allow the same; and thereby to take away the doubts and scruples your maj.'s late letter to our Speaker hath wrought upon us.—So shall we, your loyal and loving subjects, ever acknowledge your maj.'s justice, grace, and goodness, and be ready to perform that service to your maj. which, in the true affection of our hearts, we profess; and pour out our daily and fervent prayers to the Almighty for your maj.'s long life, happy and religious reign, and prosperous estate, and for your royal posterity after you for ever."

It was then ordered, that this Petition and Declaration, thus amended, shall be thus engrossed and sent unto the king. And that the former Petition and Declaration, which was prepared to be sent to the King, shall not be annexed to this new Petition, but shall be presented to the king, with an humble desire, that his maj. will be pleased to read over the same. And that the former messengers, appointed to go with the former Petition or Declaration, shall go with this new petition.

Dec. 12. Mr. Secretary *Calvert* was commanded by his maj. to deliver this message by word of mouth, which he did; but after, by appointment of the house, set it down in writing in these words, *viz.* "His maj. remembering that this house was desirous to have a session between this and Christmas; whereupon it pleased him to signify unto us, that we should have contentment therein, and that there should be a session, if we ourselves were not in the fault; taking now notice, that the house forbears to proceed with any bills, 'till the return of the messengers lately sent unto his maj. hath enjoined me to command the house in his name, not to lose time in their proceedings for preparing of good laws in the mean while, in consideration of this so near approach of Christmas; and that his maj. hopes they will not take upon them to make a recess in effect, though not in shew, without his warrant."

Sir *Rob. Phillips* saith, that he would have us consider how we have walked these 8 days, and how our purpose of silence hath been grounded: That, if we proceed, on this message, with bills, we endanger all our liberties; for then we shall never hereafter proceed but in such and such businesses, and in such manner as the king shall still command: and we are, by this message, in such a dilemma, as we must either disobey the king's command, or for ever lose our own privileges. He would have a committee appointed to consider of the king's message, and to seek forth precedents, to see how this house hath used to proceed, when we have received such messages from the king; that thereby we may proceed without breach of our privileges, or disobedience to the king's command.

Mr. *Tho. Crewe* saith, that it is the duty of every subject to obey the king's command; and it is the duty of every member here to main-

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tain the privileges of this house: That if his maj. had been truly informed of our proceedings here, he would not think we sat here idle; for we have been preparing of a Petition for his maj. and of an Answer to his maj. concerning the business of Gouldsmith and Lepton, and a member of this house: That there are good bills prepared already; but we hear nothing of the Pardon, without which a sessions cannot well be effected: That our thoughts are so distracted by these many sharp messages from the king, as we are not fit to pass any bills at this time; neither, if we would or could pass more bills, could the Lords, as we conceive, dispatch any more, than are already in their hands. If we receive a comfortable and gracious Message from the king, we shall go with such encouragement forward with the bill for Repeal and Continuance of Statutes, as we shall soon dispatch the same; and then we shall soon be ready for a sessions.

Mr. *Glanvile* saith, that, if we now go on with this Message, and proceed hereupon with bills, then next we shall have command to go on with Grievances, and then with this and that bill, and then with that Grievance; and so hereafter we shall do nothing, but what the king commands, and proceed with no business, but we shall have a command for it from the king. He would have a committee to consider hereof, as sir *R. Philips* moved; and he believeth, that this Message from the king proceedeth from a misinformation.

Sir *Dud. Diggs* would have a committee to consider of this Message, how we should proceed and what we should do thereon: That there might be a committee to consider of the bills in the house, and that we may proceed therein accordingly. So may we proceed in business, and yet preserve our privileges.

Sir *Geo. Moore* saith, that, if we do proceed in this business, wherein in duty we are bound to proceed, we cannot (though the king command it) infringe our liberties: but, if the king had commanded us not to proceed in any business wherein we are tied to proceed, then we had, if we had given over, weakened our privileges and liberties therein. He would have this business committed to the consideration of a committee, but would have it first thoroughly debated here in the house.

Sir *Nath. Rich* saith, that this is as great a business as ever came into this house, and would have us proceed in it with great deliberation, and see what, on the like messages, hath been here done. He would have us stay till to-morrow, before we debate hereof by a committee.

Sir *Edw. Coke* saith, that we have received 3 commands from the king: 1. Not to deal with any matter of government: 2. Not to meddle with any business which had his motion in a court of justice: and now 3dly, to go on with bills: That he cannot speak freely his mind, till the clouds that hang over us, by his maj.'s displeasure and messages, be cleared. He would have a committee of the whole house, to consider hereof to-morrow.

Sir *Ed. Giles* saith, that the honester men the worse luck. He thinketh, there were never more loyal subjects sat in parl. than now: and it proceeds from the malicious dealing of some wicked men. And he believeth, that the end of the great enemy is near, that he so much rageth and laboureth to cross our honest purposes here.—It was then ordered, that mr. Secretary shall set down this last Message from his maj. in writing, against to-morrow morning, and deliver it to the house, and that then it shall be considered of by a committee of the whole house; and mr. Speaker to be present.

*The King's Answer to the Apologetic Petition of the Commons.*] Dec. 14. The Chancellor of the Exchequer reported the King's Answer to the Apologetic Petition of the Commons; as follows:

"His Majesty's Answer to the Apologetic Petition of the House of Commons, presented to His Majesty by a dozen of the Members of this House, by their direction."

"We must here begin in the same fashion that we would have done, if the first petition had come to our hands before we had made a stay thereof; which is to repeat the first words of the late queen of famous memory, used by her, in answer to an insolent proposition made by a Polonian ambassador unto her; that is, 'legatum expectabamus, heraldum accipimus.' For we had great reason to expect, that the first message, from your house, should have been a message of thanksgiving for our continued gracious behaviour towards our people, since your last recess; not only by our proclamation of grace, wherein were contained six or seven and thirty articles, all of several points of grace to the people; but also by the labour we took for the satisfaction of both houses, in those three articles recommended unto us, in both their names, by the right reverend father in God, the archbishop of Canterbury; and likewise for the good government of Ireland, we are now in hand with, at your request: But not only have we heard no news of all this, but contrarily, great complaints of the danger of religion within this kingdom, tacitly implying our ill government in this point. And we leave you to judge whether it be your duties, that are the representative body of our people, so to distaste them with our government; whereas, on the contrary, it is your duty, with all your endeavours, to kindle more and more a dutiful and thankful love in the people's hearts towards us, for our just and gracious government.—Now whereas, in the very beginning of this your Apology, you tax us, in fair terms, of trusting uncertain reports, and partial informations concerning your proceedings: We wish you to remember, that we are an old and experienced king, needing no such lessons, being, in our conscience, freest of any king alive, from hearing or trusting idle reports; which so many of your house, as are nearest us, can bear witness unto you, if you would give us

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good ear to them, as you do to some tribunitial orators among you: And, for proof in this particular, we have made your own messengers confer your other Petition sent by you, with the copy thereof which was sent us before; between which there is no difference at all, but that since our receiving the first copy you added a conclusion unto it, which could not come to our hands, till it was done by you, and your messengers sent; which was all at one time. And if we had had no copy of it before-hand, we must have received your first Petition, to our great dishonour, before we had known what it contained; which would have enforced us to have returned you a far worse answer than now we do; for then your messengers had returned with nothing, but that we have judged your Petition unlawful, and unworthy of an answer. For, as to your conclusion thereof, it is nothing but 'protestatio contraria facto;' for in the body of your petition, you usurp upon our prerogative royal, and meddle with things far above your reach, and then in the conclusion you protest the contrary; as if a robber would take a man's purse, and then protest he meant not to rob him. For, first, you presume to give us your advise concerning the match of our dearest son with some Protestant, (we cannot say princess, for we know none of these fit for him) and dissuade us from his match with Spain, urging us to a present war with that king: and yet, in the conclusion, forsooth, ye protest ye intend not to press upon our most undoubted regal prerogative; as if the petitioning of us in matters, that yourselves confess ye ought not to meddle with, were not a meddling with them. —And whereas ye pretend, that ye were invited to this course by the speeches of 3 honourable lords; yet, by so much as yourselves repeat of the speeches, nothing can be concluded, but that we were resolved by war to regain the Palatinate, if otherwise we could not attain unto it. And you were invited to advise forthwith upon a supply, for keeping the forces in the Palatinate from disbanding, and to foresee the means for the raising, and maintenance of the body of an army for that war against the spring. Now, what inference can be made upon this; that therefore we must presently denounce war against the king of Spain, break our dearest son's match, and match him to one of our religion, let the world judge. The difference is no greater, than if we should tell a merchant, that we had great need to borrow money from him for raising an army; that thereupon it would follow, that we were bound to follow his advice in the direction of the war, and all things depending thereupon. But yet, not contenting yourselves with this excuse of yours, which indeed cannot hold water, ye come after to a direct contradiction to the conclusion of your former petition, saying, that the honour and safety of us and our posterity, and the patrimony of our children invaded and possessed by their enemies, the welfare of religion, and state of our kingdom, are matters, at any time, nor unfit for your deepest considerations in Parliament. To this generality, we answer with the Logicians, that where all things are contained, nothing is omitted: so as this plenipotency of yours invests you in all power upon earth, lacking nothing but the Pope's to have the keys also both of Heaven and Purgatory: and to this vast generality of yours we can give no other answer; for it will trouble all the best lawyers in the house to make a good commentary upon it: for so did the Puritan Ministers in Scotland bring all kind of causes within the compass of their Jurisdiction, saying, that it was the Church's office to judge of slander; and there could no kind of crime or fault be committed, but there was a slander in it, either against God, the king, or their neighbour; and, by this means, they hooked in to themselves the cognizance of all causes: or, like Bellarmine's distinction of the Pope's power over Kings, 'in ordine ad spirituale,' whereby he gives them all temporal jurisdiction over them.—But to give you a direct answer to the matter of war, for which you are so earnest; we confess, we rather expected you should have given us thanks for the so long maintaining a settled peace in all our dominions, when all our neighbours about are in miserable combustion of war; but, 'dulce bellum inexpertis.' And we indeed find by experience, that a number of our subjects are so pampered with peace, as they are desirous of change, tho' they know not what.—It is true, that we have ever professed, (and, in that mind, with God's grace, we will live and die) that we will labour by all means possible, either by treaty, or by force, to restore our children to their antient dignity and inheritance: and whatsoever Christian princes or potentates will set themselves against it, we will not spare any lawful means to bring our so just and honourable purpose to a good end: neither shall the match of our son, or any other worldly respect, be preferred to this our resolution. For, by our credit and intervention with the king of Spain, and the Arch-Dutchess, and her husband now with God, we preserved the lower Palatinate one whole year from any further conquering in it; which, in any eight days space in that time, might have easily been swallowed up by Spinola's army, without any resistance. And in no better case was it now, at our Ambassador the lord Digby's coming thro' Heidelbergh, if he had not extraordinarily succoured it.—But because we conceive, that ye couple this war of the Palatinate with the cause of religion, we must a little unfold your eyes herein.—The beginning of this miserable war, which hath set all Christendom on fire, was not for religion; but only caused by our son-in-law's hasty and harsh resolution, following evil counsel, to take to himself the crown of Bohemia.—And that this is true, himself wrote letters unto us at that time, desiring us to give assurance both to the French king, and state of Venice, that his accepting of the crown of Bohemia had no reference to the cause of religion, but only by reason of his right of election, as he

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called it. And we would be sorry that such aspersion should come upon our religion, as to make it a good pretext for dethroning of kings, and usurping their crowns; and we would be loath that our people here should be taught that strange doctrine: no, let us not so far wrong the Jesuits, as to rob them of their sweet positions and practices in that very point.—And upon the other part, we assure ourself so far of your charitable thoughts of us, that we would never have constantly denied our son-in-law both the title and assistance in that point, if we had been well persuaded of the justice of his quarrel. But, to conclude, this unjust usurpation of the crowns of Bohemia and Hungaria from the emperor, hath given the Pope, and all that party, too fair a ground, and opened them too wide a gate for curbing and oppressing of many thousands of our religion in divers parts of Christendom.—And whereas you excuse your touching upon the king of Spain, upon occasion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honour; we cannot wonder enough that ye are so forgetful both of your words and wits: for, in your former petition, ye plainly affirm, that he affects the temporal monarchy of the whole earth; than which there can be no more malice uttered against any great king, to make all other princes and potentates both envy and hate him: but, if ye list, it may easily be tried, whether that speech touched him in honour or not, if ye shall ask him the question, whether he means to assume to himself that title or no; for every king can best judge of his own honour. We omit the particular ejaculations of some foul-mouthed orators in your own house, against the honour of that king's crown and state.—And touching your excuse of not determining any thing concerning the match of our dearest son, but only to tell your opinion, and lay it down at our feet: first, we desire to know, how you could have presumed to determine in that point, without committing of high treason? and, next, you cannot deny but your talking of his match after that manner, was a direct breach of our commandment and declaration out of our own mouth, at the first sitting down of this parliament; where we plainly professed, that we were in treaty of his match with Spain; and wished you to have that confidence in our religion and wisdom, that we would so manage it, as our religion should receive no prejudice by it. And the same we now repeat unto you, professing that we are so far engaged in that match, as we cannot in honour go back, except the king of Spain perform not such things as we expect at his hands. And therefore we are sorry that ye should shew to have so great distrust in us, as to conceive that we should be cold in our religion; otherwise, we cannot imagine how our former publick declaration should not have stopp'd your mouths in this point.—And as to your request, that we would now receive your former petition: we wonder what could make you presume that we would receive it: whereas, in our former letter, we plainly declared the contrary unto you, And therefore we have justly rejected that suit of yours: for what have you left unattempted in the highest points of sovereignty, in that petition of yours, except the striking of coin? for it contains the violation of leagues; the particular way how to govern a war, and the marriage of our dearest son, both negatively with Spain: nay, with any other popish princess; and also affirmatively, as to the matching with one of our religion; which we confess is a strain beyond any providence or wisdom God hath given us, as things now stand.—These are unfit things to be handled in parliament, except your king should require it of you: for who can have wisdom to judge of things of that nature, but such as are daily acquainted with the particulars of treaties, and of the variable and fixed connection of affairs of state, together with the knowledge of the secret ways, ends, and intentions of princes in their several negotiations? otherwise a small mistaking of matters of this nature may produce more effects than can be imagined: and therefore, 'ne suitor ultra crepidam.' And besides, the intermeddling in parliament with matters of peace or war, and the marriage of our dearest son, would be such a diminution to us and to our crown in foreign countries, as would make any prince neglect to treat with us, either in matters of peace or marriage, except they might be assured by the assent of Parliament. And so it proved long ago with a king of France; who, upon a trick, procuring his states to dissent from some treaty which before he had made, was after refused treaty with any other princes, to his great reproach, unless he would first procure the assent of his estates to their proposition. And will you cast your eyes upon the late times, you shall find, that the late queen, of famous memory, was humbly petitioned by a parliament to be pleased to marry: but her Answer was, that she liked their petition well, because it was simple, not limiting her to place nor person, as not befitting her liking to their fancies; and if they had done otherwise, she would have thought it a high presumption in them. Judge then what we may do in such a case, having made our publick declaration already (as we said before) directly contrary to that which you have now petitioned.—Now to the points in your petition, whereof you desire an answer as properly belonging to the parliament. The first and the greatest point is, that of religion: concerning which, at this time, we can give you no other answer than in the general; which is, that you may rest secure, that we will never be weary to do all we can for the propagation of our religion, and repressing of popery; but the manner and form you must remit to our care and providence, who can best consider of times and seasons; not by undertaking a publick war of religion through all the world at once; which, how hard and dangerous a task it may prove, you may judge. But this puts us in mind, how all the world complained

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the last year of plenty of corn; and God sent us a cooling-card this year for that heat: and so we pray God, that this desire among you of kindling wars (shewing your weariness of peace and plenty) may not make God permit us to fall into the miseries of both. But, as we already said, our care of religion must be such, as, on the one part, we must not, by the hot persecution of our recusants at home, irritate foreign princes of contrary religion: and teach them the way to plague the Protestants in their dominions, with whom we daily intercede, and at this time principally, for ease to them of our profession that live under them; yet, upon the other part, we never mean to spare, from due and severe punishment, any papist that will grow insolent for living under our so mild government. And you may also be assured, we will leave no care untaken, as well for the good education of the youth at home, especially the children of papists, as also for preserving at all times hereafter the youth that are or shall be abroad, from being bred in dangerous places, and so poisoned in popish seminaries. And as in this point, namely, the good education of popish youth at home, we have already given some good proofs, both in this kingdom and in Ireland; so will we be well pleased to pass any good laws that shall be made, either now, or at any time hereafter, to this purpose.—And as to your request of making this a session, and granting a General Pardon; it shall be your defaults, if we make not this a session before Christmas.—But for the pardon, ye crave such particulars in it, as we must be well advised upon; lest, otherwise, we give you back the double or treble of what we are to receive by your entire subsidy, without fifteenths. But the ordinary course we hold fittest to be used still in this case, is, that we should of our free grace send you down a pardon from the higher house, containing such points as we shall think fittest; wherein, we hope, ye shall receive good satisfaction.—But we cannot omit to shew you, how strange we think it, that ye should make so bad and unjust a commentary upon some words of our former letter, as if we meant to restrain you thereby of your antient privileges and liberties in parliament. Truly, a scholar would be ashamed so to misplace and misjudge any sentences in another man's book. For whereas, in the end of our former letter, we discharged you to meddle with government and mysteries of state, namely, matters of war or peace, or our dearest son's match with Spain; by which particular denominations we interpret and restrain our former words: and then, after, we forbid you to meddle with such things as have their ordinary course in courts of justice; ye couple together those two distinct sentences, and plainly leave out these words, of mysteries of state: so as ye err, 'a bene divisis ad male conjuncta.' For of the former part, concerning mysteries of state, we plainly restrained our meaning to the particulars that were after mentioned; and, in the latter, we confess we meant by it sir Edward Coke's foolish business: and therefore it had well become him, especially being our servant, and one of our council, to have complained unto us; which he never did, though he was ordinarily at court since, and never had access refused unto him.—And although we cannot allow of the stile, calling it, your antient and undoubted right and inheritance; but could rather have wished, that ye had said, that your privileges were derived from the grace and permission of our ancestors and us; (for most of them grow from precedents, which shews rather a toleration than inheritance) yet we are pleased to give you our royal assurance, that as long as you contain yourselves within the limits of your duty, we will be as careful to maintain and preserve your lawful liberties and privileges, as ever any of our predecessors were, nay, as to preserve our own royal prerogative. So as your house shall only have need to beware to trench upon the prerogative of the crown; which would enforce us, or any just king, to retrench them of their privileges, that would pare his prerogative and flowers of the crown: but of this, we hope, there shall never be cause given. Dated at Newmarket, Dec. 11, 1621."

Mr. *Chanc. of the Exchcq.* saith, that he hath to deliver, by word of mouth, 3 messages from the king to this house. 1st, that his maj. doth appoint Saturday sennight for a conclusion of the sessions, and commendeth particularly the bill of Continuance and Repeal of Statutes. 2, concerning the Pardon, his maj. is desirous that the lord treasurer himself and mr. Solicitor should peruse it, 'ne quid detrimenti rex capiat.' 3, that if Gouldsmith hath offended the house, he should be punished; if not, he thinketh it justice, he should be remitted.

Sir *Rob. Phillips* saith, if the king's Answer to our Petition doth not strike the affection and soul of every member of this house, he knoweth not what will. He would have us defer, till tomorrow, the consideration of this his maj.'s Answer, that we may clear off from us the stain laid on us of rashness; and that we may not give up our privileges, as we desire not, in any wise, to touch on the prerogative of his majesty.

Sir *Hen. Poole* would not have us always dwell on the rocks of preserving our privileges: but would have us see the best bills, and proceed on with some of the most general of them, that we may not go now home again with empty hands.

Sir *Dudley Digges* saith, that he is much comforted to see so plain dealing from his maj. to this house: that his maj. doth so well understand our proceedings, that he doth leave it to our free election, to proceed with what business we will. He would, if any one be of opinion, that our privileges are yet touched, that we then first clear that: but his own opinion is, that our privileges are not touched; and would have us go on with bills and business, and prepare for a sessions.

Mr. *Solicitor* saith, that, as the stile of the

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king's Answer doth carry it in gravity and majesty, so doth it express, that the king is a father to us. He would have us meditate on it, and to-morrow resolve to go on with the business of the house.

Mr. *Tho. Crewe* saith, that he is much comforted, that it hath pleased his maj. to give us assurance of religion. For the present, he would have the Pardon prepared; and, for the rest, he would have the clerk to bring us a catalogue of all the bills that are sent up to the Lords, how many of them are come down passed, how many are here engrossed, and ready to be sent up; and then a message to be sent to the Lords, to dispatch the bills which they have.—It was accordingly ordered, that the clerk shall prepare, against tomorrow, the true state of all the bills.

Sir *Tho. Wentworth* moveth that no member shall go out of town till the sessions be ended.

Mr. *Secretary* secondeth the motion, by reason of the great business of the house; and desireth the Speaker to come more early than he hath been accustomed.

Dec. 15. Sir *Geo. Moore* saith, that our liberties are our freehold, and the fairest flower that groweth in the garden of the Commons: and, if they be once nipped, they will never grow again: that we have laboured but of duty (in the service of those who sent us hither) to defend our liberties, what we could: that his maj. did at first say and hath since reiterated his promise, that he would confirm and maintain all our lawful liberties: that he doubteth not, but his maj. when he shall consider, that we have done what hath been good, but that he will add (as God did to Ezekias, when he had prayed and said, that he had done what was good in his sight, 15 years to his age) a longer time to our sitting here. He would have a committee appointed to consider of all the Messages, sent us by the king, concerning our Privileges and his majesty's several Answers; that we may see, how the state of our liberties now stands.

Mr. Serj. *Ashley* saith, that we should not take any discontent at the words of the king's Answer; for we must leave kings to use their own phrase and language. His maj. assureth us for our religion; and, for his part, he will (and he hopeth the rest of the house will also) take his maj.'s word for a warrant, to execute the law on all papists. The king saith, that he will maintain our liberties, as far forth as any of his predecessors have done; but 'plus valet legalis consuetudo, quam regalis concessio.' He would have us take what bills we may, though we cannot have what we would; lest our adversaries rejoice to see, that we now again go home empty-handed.

Sir *Francis Seymour* saith, if we cast our eyes on his maj.'s Letter, on his maj.'s Message, and lastly on his maj.'s Answer we shall read, with grief, how our privileges stand, and in what case we stand; and he believeth, that there is no man's heart, which feeleth a guiltiness of that, which is expressed in his maj.'s Answer: that, though we now decline the farther disputing of the Match, the Matter of Religion and War, yet he would have it here expressed and declared, that the consideration of the religion of this kingdom, the safety of his maj.'s person and this kingdom, are not matters out of the cognisance of this house: that he thinketh the bills, which we may now pass, will not be worth our labour. He would have us consider, how to give the king satisfaction concerning that which he taxeth us for by his Answer; and take some course, how to settle our Privileges, as that we leave them not worse than we found them, when we came hither.

Mr. *Chanc. of the Excheq.* saith, that it is with us this day, as in a battle: we can err but once. He hopeth we shall not so much reflect on the manner of the king's Answer, as the matter: that the king, when he wrote this Answer, was extremely divided between his zeal to this house, and the jealousy of foreign princes, who had their eyes over his maj. to see what would be the success of our Petition. Seeing we have, as for our liberties, a full Answer; and, for the rest of our petitions, as much satisfaction, as his maj. with his honour, can (as things stand) give; that our longer complaining of our grief will be rather a discontent to the king, than otherwise: that his maj. (when he had dispatched this his Answer) parted from the messengers cheerfully, as if he thought, that, by this his Answer, he had both answered the expectation of this house, and prevented the jealousy of foreign princes. He would have us go on with as many bills as we can now dispatch; and hope for to effect the rest, at our next meeting after Christmas.

Sir *James Perrott* saith, that our religion is not so safe, as we desire it to be. He would have the king rectified in his opinion; for we do not blame his maj.'s care of religion, by complaining of the insolency of the papists; neither do we (as his maj. conceiveth) take on us a plenitude of power. He would have us justify, to the king, our love, duty and loyalty to his maj.; and to desire, for our Religion, that he would be pleased to send, from this town, all papists, to their houses in the country; for here they go to the houses of foreign ambassadors, where they not only exercise their religion, but give offerings, whereby, it is to be feared, that much of our money is transported beyond sea. He would have a committee appointed to consider of these things, and also of our privileges, if they are infringed.

Mr. *Brooke* saith, that we have our privileges and liberties by prescription, time out of mind, and not by toleration. He would have a Protestation entered in the house, that we claim our privileges as an inheritance, and not as granted from kings to us. He would have a short bill passed here, to continue all statutes that stand on continuance, till the end of the next sessions, for, if we go to pass the bill, it will ask more time than is between this and Friday; and also that we should pass another



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bill, to continue the state of the business of the house, as it now stands; and, by this means, we may have a sessions before Christmas. But especially he would have our claim of our privileges entered in the house.

Mr. *Treasurer* saith, that he findeth, that the house is much troubled, that the king hath written so angry a letter to us, which he wisheth we had not provoked him unto. His maj. saith, he will have a care of the propagation of religion; and therefore he would have us pray to God, for the continuance of such his care. His maj. saith, we have strained the words of his letter more against ourselves, than his maj. meant, or we could well do. He would not have us now dispute any farther, but resolve to carry down some bills with us; lest we draw infamy on ourselves, and discontent to the king and his people.

Sir *Rob. Phillips* saith, that, lest his silence at this time might be imputed to sullenness, he thought good to put himself into the dispute of the things now here in agitation: wherein, he saith, he will collect and frame observations on his maj.'s Letter; wherein we are to observe and consider the sense and opinion of the house, how we ought to proceed; on which he will render his opinion, what he conceiveth he ought to do. In the king's Letter we may note his maj.'s Reprehension, Declaration and Admonition. In the Reprehension his maj. is very quick with us; and he doubteth not, but, had his maj. heard our discourses, or could he, with a perspective, see our hearts, he would not have so misconstrued our actions. He would have us rather think how to get from his maj. a sweeter tune, than to irritate him by our farther dispute. In the Declaration, he believeth, that there is none here but will take great comfort to see, that so great a prince doth take care of our religion; and his maj. saith, that, to that end, he will pass any laws for the education of children. He would not therefore have us roll this stone further, seeing it is for point of state, that his maj. now spareth to have the laws against papists strictly executed. It comforteth him, and believeth it doth likewise comfort all his good subjects, to see his maj. so confidently to declare his resolution and care to gain the Palatinate. If we had known sooner, how far his maj. had proceeded in the Match of Spain, we should not (as he thinketh) have meddled with, or touched that string. As for our Privileges, since his maj. hath said, we hold our liberties by the grace of princes, and not by a right descended unto us, and that that question is stirred (which he wisheth had not been) he thinketh that we are now to do something more in this point, than to let them thus rest. And in so doing we shall do no more, than was disputed of in the first parl. of his maj. when the king said, we held our liberties by a toleration, not by right: whereupon there was here entered a public Declaration, that we held them by inheritance from our ancestors. He would have a select committee appointed for this purpose; and that we should go to the king, to Theobald's, to let him know, that we are sorry that we are so misinterpreted: that it is impossible to have a sessions now; for that which will content the country is not only bills: and, if bills would, yet we cannot pass such bills, as will give the wiser sort, in the country, any content; for they look to have some ease of Grievances, and some ease of Trade, as well as to have a few bills. As for the bill of Subsidy, it will be no great time lost, if we, at Christmas, adjourn the sitting, as we use to do at Easter; and then we may meet presently after Christmas, to proceed with the business of the house; and, in 5 or 6 weeks, he doubteth not but we shall dispatch such bills and business, as would give his maj. and the people good satisfaction: that it will be no infamy for us to alter our purpose, since the occasions are altered; for it is now 12 days since we desired to have a sessions; and since that time we have been troubled with business of another nature which hath been interposed by his maj.'s letters and messages.

Sir *Tho. Wentworth* would have a committee appointed to consider, whether we shall do well to go on with bills or no, and also how we hold our Privileges, whether by right, or by permission and toleration: and this of our Privileges, to be first considered. He saith, he will not speak, whether it will be best to have a sessions or no, till he seeth how our privileges and the business of the house standeth.

Sir *Dudley Digges* would have a committee appointed to consider how our liberties stand; for he must say still, that our Privileges are our right and inheritance, born with us. He would have us take heed how we say, we hold our privileges by custom or prescription; for, 'nullum tempus occurrit regi.' But he thinketh, that the king did but argue that our privileges are derived from the grace and permission of princes, and doth now say so directly.

Mr. *Tho. Crewe* saith, that, as we owe to the king our duty, our lives, and all we have, so do we our liberties and privileges to our posterity. The time being so short we have to sit, it will be lost labour now for us to go on with bills. Since the bill of Monopolies is cast away, and, for aught we hear, that also against concealments, and all the bills of Grace laid asleep with the Lords, he thinketh, it will not be worth our labour to have a sessions, which (if we might have had those bills) he should have been glad of. It cannot but be a great grief to us, to hear so wise a king to doubt the right of our Privileges, and would have us stile them a liberty derived by the permission of princes; and he thinketh this doth stir all our hearts: that he thinketh, the walls of this house would speak against us, if we should sit still and leave his maj. in dislike of our stiling our liberties our undoubted ancient right and inheritance: that, by Magna Charta, the liberties, rights, and privileges (as well as the lands) of the temporality and spirituality

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of the peers, barons, gentry, and commonalty of the kingdom, are renewed, confirmed and established unto us: that, if our law be our birthright and inheritance (as all know it is) then much more are our privileges and liberties of parl. He would have a general committee to consider of that which was here entered, on the like question of our Privileges, in 1 Jac. and to compare this with it, that we may go on now, as we did then; and, this being at a grand committee thoroughly debated, and brought to a head, then to appoint a select committee to frame what we shall think fit to be done herein.

Mr. *Solicitor* saith, that our liberties and privileges of parl. are our inheritance; but he would not have us stand so much on the manner, as the matter of his maj.'s Answer: that we should not be so much moved herewith; since the king doth conclude, we shall freely enjoy the same. He would have us enter here in the house our claim to the right of our privileges, according to the ancient parliamentary course, and that we once more petition his maj. though, he saith, he is sorry we are forced so often to trouble his maj. He would have us go on with this matter of our privileges at the committee; so as we neglect not to have a sessions. It is true, we have been diverted; yet, he thinketh, we may pass such bills, as will give the country good content: that he believeth, that 'invidius hoc fecit:' the devil, or his instruments, hath sowed his diversion amongst us; that he would have a sessions: and saith confidently, that what the king will grant and discharge, by his Pardon, will be more worth to us, than three Subsidies are to his maj.: that therefore he would have us go on with bills, and with the committee for our privileges.

Sir *Edw. Coke* protesteth before God, that he ever speaketh his own conscience, but he doth not ever speak his own things; for he, for the most part, ever speaketh by warrant of precedents. 'Omnis qualitas in principali subjecto est in summo gradu,' as 'lumen in sole:' and so are the privileges (which are the laws) of the parl. here in the parl. 'in principali subjecto,' and therefore 'in summo gradu:' that the liberties and privileges of parl. are the mother and life of all laws, and laws are in parl. 'in summo gradu;' whereas the king saith, he liketh not our stiling of our liberties our ancient inheritance, yet he will maintain and give us leave to enjoy the same; which indeed striketh at the root of all our privileges. 'Consuetudo regni' is the law of the kingdom. He thinketh, that that part of his maj.'s Answer proceeded only by the length of it; for it was at the end of his Answer that he wrote, he wished we had not stiled our privileges our ancient inheritance, but rather, that we had them by the permission of our kings, his maj.'s predecessors. He would have us stand upon the defence of our privileges in this point, and that a general committee should debate hereof. He would have us take account on Monday of the state of the bills of the house, and that then we may proceed therein; and that, according to a parliamentary course, we proceed likewise with Grievances.

Sir *Wm. Spencer* would have this general committee (appointed to consider of our privileges) to consider particularly of one point of the king's Letter, wherein he saith, that he taketh himself free and able to punish the misdemeanour of any member here in parl. as well sitting the parl. as after; for that we hold it for a liberty and special privilege, that no man, that hath here been cleared from saying or doing any thing that misbecometh him, should be afterwards punished for that fault.

Mr. *Noye* saith that our liberties and privileges are, by Magna Charta, confirmed to us, by 'libertates suas;' which sheweth, that they are anciently our's, and but confirmed (not originally granted) to us.

Mr. *Secretary* saith, that it was never in his maj.'s mind or opinion to question our privileges, but it was only the slip of a pen in the end of a long Answer: That he would have a Committee to consider hereof; for our Privileges ought to be dear unto us. As for that particular of our privileges, spoken of by sir W. Spencer, he would not have the committee to meddle therewith; for he thinketh it will ask a great dispute, and it will at last grow a question between the king and us, of our privileges therein.

Mr. *Grenville* saith, that the king hath not the power of refusal of our just privileges, though we make our request for his permission of them: That he thinketh, the king meaneth by punishing of misdemeanours in parl. only matters of treason, or such as concern the head of a man, for we have not power to behead any man: and that his maj. intendeth not other misdemeanours in parliament.

It was then ordered that a Committee of the whole House shall take into their consideration all things concerning the Privileges of this house, or any thing incident thereto, and that it shall sit on Monday next.

*The King's letter to Mr. Secretary Calvert.*] Dec. 17. Mr. Secretary Calvert acquainted the House that he had a Message from the King to this House. He then read the following Letter which he had received from his maj. viz:

"To our trusty and well-beloved Counsellor, sir George Calvert, Knight, one of our principal Secretaries."

"Jacobus Rex.—Right trusty and well-beloved counsellor, We greet you well. We are sorry to hear, that notwithstanding our reiterated messages to our house of commons, for going on in their businesses, in regard of the shortness of time betwixt this and Christmas, and of their own earnest desire, that we should now conclude a session by making of good and profitable laws, they continue to lose time; and now of late, upon our gracious Answer sent unto them, have taken occasion to make more

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delay, in appointing a committee tomorrow, to consider upon the points of our Answer; and especially concerning that point in it, which maketh mention of their Privileges. Our pleasure therefore is, that you shall, in our name, tell them, that we are so loth to have time mispent, which is so precious a thing, in the well using whereof our people may receive so great a benefit, as we are thus far contented to descend from our royal dignity, by explaining, at this time, our meaning in our said Answer touching that point; that all our good subjects in that house, that intend nothing but our honour, and the weal of the common-wealth, may clearly see our intention. Whereas in our said Answer we told them that we could not allow of the stile, calling it their ancient and undoubted right and inheritance; but could rather have wished, that they had said, their Privileges were derived from the grace and permission of our ancestors and us (for most of them grow from Precedents) which sheweth rather a toleration than inheritance; the plain truth is, that we cannot, with patience, endure our subjects to use such antimonarchical words to us, concerning their liberties, except they had subjoined, that they were granted unto them by the grace and favour of our predecessors. But, as for our intention herein, God knows we never meant to deny them any lawful privileges, that ever that house enjoyed in our predecessors' times, as we expected our said answer should have sufficiently cleared them; neither in justice, whatever they have undoubted right unto, nor in grace, whatever our predecessors or we have graciously permitted unto them. And therefore we made that distinction of the most part: for whatsoever liberties or privileges they enjoy by any law or statute shall be ever inviolably preserved by us; and we hope, our posterity will imitate our footsteps therein. And, whatsoever Privileges they enjoy by long custom and uncontrolled and lawful precedents, we will likewise be as careful to preserve them, and transmit the care thereof to our posterity; neither was it any way in our mind to think of any particular point, wherein we meant to disallow of their liberties: so as, in justice, we confess ourself to be bound to maintain them in their rights; and, in grace, we are rather minded to increase than infringe any of them, if they shall so deserve at our hands. To end therefore as we began: let them go on cheerfully in their businesses, rejecting the curious wrangling of lawyers upon words and syllables; otherwise (which God forbid) the world shall see how often and how earnestly we have pressed them to go on, according to their calling, with those things that are fit to be done for the weal of our crown and kingdom; and how many various shifts have been from time to time maliciously found out, to frustrate us of our good purpose, and hinder them from the performance of that service, which they owe to us and to our whole kingdom; whereof when the country shall come to be truly informed, they will give the authors thereof little thanks. Given at our court at Royston, the 16th of Dec. 1621."

Mr. Secretary *Calvert* then said, that it was not strange, that the business of the house (which was so commonly spoken of abroad in the town) doth come to his maj.'s ear; and he thinketh, whosoever hath informed his maj. hereof, hath done a good office to the house. He desireth, that his maj.'s Letter may be entered here in the house; and that we may go on with business.—It was thereupon ordered, that this Letter from his maj. shall be here entered in the house; and that every one that will may have copies thereof.

Sir *Edw. Coke* saith, that we have now, by this last message, as he conceiveth, an allowance of our Privileges, which indeed are our's by law, by custom, by precedent, and by act of parl. That he thinketh, if we did set down our privileges and liberties, it would clear us of all those rubs. He wisheth, that himself were a sacrifice, so as there were a good and perfect correspondency and right understanding between the king and the house, as he hopeth there is: That one Walter Clerk, being a burgess for Chippenham, was fined for a riot in time of parl. at the king's suit; which encouraged also one Rob. Basset to sue the said Clerk, on an action of trespass; and also one John Payne sued the said Clerk to an outlawry, and laid him up in the Fleet: but hereupon this house of parl. would do nothing till they had their burgess again. Those of the king's side said then, that, for the king's suit, 'Non omittas propter aliquam libertatem;' and it was then also alledged, on the behalf of this house, that the king calleth the burgesses here for the service of the kingdom; and if one of them may be taken from us, all may likewise by the same right.

Sir *Francis Seymour* saith, that there are other points, as well as this which his maj. hath now by his message cleared, whereof he desireth, that we may be cleared also. One of them is part of the message, where his maj. saith, he taketh himself free and able to punish any misdemeanour in parl. as well sitting the parl. as otherwise. Another is, that his maj. saith, he will maintain our privileges so long as we deserve it, and the privileges which we have by uncontrollable precedents enjoyed: whereas he thinketh, there are but few precedents of our liberties, which have not been controlled, by some of our former kings. He desireth therefore, that a committee may go on to settle our privileges, and to let his maj. see precedents, how we have formerly enjoyed them, and our right to them; especially concerning those parts of our privileges, which his maj. hath mentioned in his messages and letters.

Sir *Rob. Phillips* saith, that he holdeth it a discommendable thing, for any man to lurk under the shifting ambiguity of equivocal words; but all ought to speak, when, by plain words, he seeth cause ministered: that the king's last Letter to the Secretary hath not yet

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satisfied; and he thinketh, there are some things in his maj.'s Letter, that dutifully may be considered of; and he would have us now only insist on the rectifying and settling of our privileges; for thereby shall we be able, at another time, to go on with businesses here the better, and with less rubs; and also give good satisfaction to the country, that we have left our privileges and liberties settled.

Mr. *Recorder* saith, that it is a great grace and favour, that the king hath so much descended to give us satisfaction, by an explanation of himself. And he believeth, that our privileges are now free, and is glad to hear the king say, that he taketh himself bound to maintain our privileges and liberties. That the king saith, we shall enjoy all our rights and privileges which we can claim; and that, of grace, he will add to it, if we shall deserve it. He would not have our privileges brought into writing; for then, if we leave out any thing, we exclude ourselves from the rest; for the king will say, if we had any more privileges, we would have claimed and expressed it in that writing. He would have a Protestation entered here for the better satisfaction and settling of our privileges. He would have us go on with bills for the good of the commonwealth, and that thereby we may unite and knit the affections of the king and his people.

Sir *Nath. Rich* would have those Privileges, which we conceive have been touched, and seem to have been infringed, during this parl. to be set down, that we may shew what right we have to them, and how we think they have been impeached, and to strengthen them by precedents or otherwise; and for this would have a committee appointed.

Sir *Geo. Moore* thinketh, the king hath given us good satisfaction for our privileges. And, since we have had so many adjournments, and yet no bills have been passed, he would have us enter here our protestation for our privileges, and then go on with bills, for the conclusion of a sessions.

Sir *Edw. Cecil* would have us go on with the bills and business of the house if it be but to shew our thankfulness to his maj. for his gracious message; but would principally have us appoint a committee to consider of our privileges. He is glad to see by a precedent, even now shewed by sir E. Coke that it hath been an ancient use, that on discontent, the house hath used to be silent, and it is now no new thing.

Mr. *Tho. Crewe* saith, that we have now more need of a committee to consider of our Privileges, than we had before; for, on so great a matter, he would not have us conclude any thing, till a committee hath considered of it. It may be, that some make themselves music without discord, and therefore he would have us do our best to establish a concord. He would have it entered here in the house, that our privileges are our undoubted right and inheritance, and this to be done by protestation. He would have a general committee appointed to clear us of those things we are charged by his maj.'s last Letter to mr. Secretary; wherein we are said to use "antimonarchical words, and curious shifts, maliciously found out, &c." and this, he thinketh, will further the business of the house.

Sir *Dud. Digges* would not have us to stick on the particular words of his maj.'s Letter; for that were to make the sovereignty of the king, and the privileges and duty of the subject to strike against each other; which we ought by all means to avoid. He would have us by our actions, in going on with business, give his maj. thanks for his coming so near to us, by this his last Letter, wherein he doth so graciously explain himself: and would have a select, but not a general committee to go on with the consideration of our privileges; but would also have us go on with bills and business.

Mr. *Chancellor of the Dutchy* protesteth, that the king's heart is righted to us (he saith, he speaketh what he knoweth, coming lately from the king) and that it is now in the power of us to make this the happiest parliament that ever was.

Mr. *Glanvile* saith, that this last Letter to the Secretary is a very gracious letter, but withal it is a very wise and a very wary letter. He would have a Declaration made here in the house, that we have, and ought to enjoy, these particulars, (and so name in the Declaration those of our privileges, which have been laboured this parl. to have been impeached) and also to claim all our other privileges and liberties whatsoever in general words.

Mr. *Secretary* saith, that he thinketh, that the king's command for our going on with bills, was no ways restrictive, but that we should go on with bills amongst other businesses, and that this command was not any infringement of our privileges.

Mr. *Solicitor* saith, that we, in our Petition, desired the king favourably to interpret our words and petition; and he thinketh it fit, we should lay a law on ourselves, not to take exceptions at the words in his maj.'s Letter. He would have us, at a committee, recollect all those things, which were the occasions of our stop, and the reasons why we sopped on them; and then to set down, that, having received his maj.'s last letter, we are cleared thereof; and so to go on with other business of the house.

Mr. Serj. *Ashley* would have here entered a Protestation for our Privileges, as the house did in 1 Jac. and so to go on with bills and other business of the house, since the king hath so well explained himself.

Mr. *Hackwill* saith that the privileges of the house are the steps that bring us up hither; and here are our grievances to be heard, and here to be relieved: that it will be ill news when the country shall hear that we have lost the Privileges of this house. The Privileges of this house are called the Custom of the Commons of this house, and the Custom of England; the privileges which we claim, especially that for Freedom of Speech, are the very essence of a

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parl. There is a statute 2 H. 5. wherein it is written, that the Privileges of this house are the inheritance of the subject: that till 1 H. 4. the Commons did not make any Protestation, by their Speaker, for their Privileges. And it was after disliked, that any such Protestation was made, and so left off till 27 Eliz. when such a protestation, by way of petition, for our enjoyment of our liberties and privileges, and for freedom of speech, began again to be used by the Speaker of this house. But he would not have this house henceforth to use any such protestation, at the beginning of the parl. but have it left out, for we see the inconveniences that follow it; for that makes the king conceive, we hold it by the grace and permission of princes, and not as our inheritance. He doubteth, whether the precedent of the Protestation (made here in the house) for our privileges, in 1 Jac. be entered or no, and therefore he would have the committee consider of it.

Sir *Wm. Strode* would have us send those of the council, to desire the king that we may be adjourned till after the holidays, and that then we may meet again (as soon as it pleaseth his maj.) after Christmas: for it is now impossible to have a sessions before Christmas.

Sir *Edw. Coke* would have us make a Protestation for our Privileges: That he can tell us when both houses did sit in parl. together, both the lords and the commons: That the demand of the privileges of this house, by the Speaker was after they began to be questioned: and, at first, when the demand of the privileges was made to the kings of this realm, it used to be done still at the first meeting of the parl.; and in this manner, that, if the house might not have their privileges and liberties, they would sit silent. He would have us make our protestation for our privileges, and then send the same to the king, that he may see it.

It was then ordered, that a Committee of the whole house shall consider of all the matters and things concerning the Privileges and Liberties of the House, and all things incident thereunto; shall sit tomorrow morning.

Sir *Tho. Wentworth* would have the house fall again into a parliamentary course, to avoid all scandals and imputations of sullenness laid on the house.

*The King's Letter to Mr. Speaker.*] Dec. 18. Mr. Speaker informed the House that he had received the following Letter from the King: viz.

"To our trusty and well-beloved sir Tho. Richardson, knt. Speaker of our Commons' House of Parliament."

"Mr. Speaker.—Whereas, at the humble suit of our house of commons, we condescended to make this meeting a sessions before Christmas; to which purpose we gave them time until Saturday next, in case they would seriously apply themselves to that end; and likewise since, out of our grace, and to take away all mistakings, by our letters directed to our secretary, we were pleased so fully and clearly to explain ourself, in the point of maintaining all lawful Privileges to our said house, which since we cannot hear hath had the wished effect, in making them spend this short time in preparing things most necessary for a sessions: We have thought good once more clearly, by this, to impart our mind unto them; which is, that in respect of the expectation, after this so long a meeting in parl. as also, that the generality for the most part rather judge things by the outward effects, than enter into the causes of them; We have an earnest desire to make this a sessions, to the end that our good and loving subjects may have some taste, as well of our grace and goodness towards them, by our free Pardon, and good Laws to be passed; as they have had, both by the great and unusual example of justice, since this meeting, and the so many eases and comforts given unto them by proclamation. And therefore, calling to mind, that the passing of the Subsidy, an act for Continuance of Statutes, and the Pardon, are the three most pressing businesses, to be effected before the end of the sessions, we wish them, that, as we have given order for the Pardon to go on, with all expedition, so they presently go in hand with the act for Continuance of Statutes. As for the Subsidy, though time presseth much, yet, if they find it can not now conveniently be done, we will not make that any way an impediment to the good, which we desire our people should feel by making this a session. Thus much we thought good to give them to understand; and withal to assure them, that, if they shall not apply themselves instantly to prepare the aforesaid things, for our royal assent, against Saturday next, we will, without expecting any farther answer from them, construe, by their slackness, that they desire not a sessions; and in such case we must give a larger time, for their returning homeward, to such of both houses, as are to go into their countries, to keep hospitality among their neighbours in this time of recess. Given at our court at Theobald's, the 17th of Dec. 1621."

Mr. *Weston* saith, that this is a most gracious Letter, whereby his maj. desireth a sessions, and relinquisheth his own profit, so there may be a sessions: That the Pardon will do as much good after Christmas, if this may be an adjournment. He thinketh it impossible to prepare the bill of Continuance against Saturday. He would therefore have us petition the king, that this may be an adjournment, and no sessions; and to set down the reasons of our delay, and not proceeding with bills.

Sir *Rob. Phillips* would have us remember where we stood yesterday, and what we appointed concerning our Privileges, and, if we then thought a committee fit to consider of our privileges, he would have it now stand, and that that committee may consider of our privileges accordingly, and also of this Letter from his maj.; that we may express with joy our humble thankfulness to his maj. for his gracious Letter, and our duty to the country for which we serve, by providing for our privileges.

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Mr. *Solicitor* offereth a short bill for to continue all the statutes that depend on Continuances; because the bill of Continuance and Repeal of Statutes may, peradventure, ask too long a debate for so short a time. And he saith, the Pardon is also ready. He saith, he thought it his duty to acquaint the house with thus much, that it may consider thereof, and do, as in their wisdom shall be thought most fit.

The house then resolved, that this was a gracious Letter, and that the house held it fit to give his maj. thanks for it.

Mr. *Tho. Crewe* saith, that this Letter is full of oil, and 'non est dignus datis, qui non est gratus datis.' He thinketh it will be good husbanding of our time, against our next meeting, if we now, by a committee, settle our Privileges: then we may go on, without interruption, with the bills which are here: That we cannot possibly pass the bill of Continuance of Statutes, in 3 days; for it will ask a day's labour for two good scriveners to engross it, and it will ask here some debate before it pass. He would have us go on with the committee for our Privileges.

Mr. *Noye* saith, it is impossible, that we should prepare, in so short time, the bill of Continuance. He saith, that there are many things granted away by patents and leases by the king, which his maj. in his Pardon, doth mention to pardon: but, being granted away before, they are not pardoned by the general pardon; and therefore he would have us (before the Pardon come here) appoint a committee, to see what is granted away, that was used to be pardoned, and that we may let his maj. see how his grace is forestalled by such patentees. He would have a committee to consider of our Privileges, and of our thanks to his maj. for his gracious Letter, and to set down therein the reasons, why we do not, or rather cannot, proceed for a sessions.

It was then ordered, that the former committee of the whole house, appointed to consider of the Privileges of the house, shall also consider of the best course to give his maj. thanks for his gracious Letter and satisfaction that we cannot go on with businesses for a sessions, at this time. Mr. Speaker, by order, went out of the chair, and the house sat as a committee, mr. serj. Ashley in the chair.

Sir *Rob. Phillips* would have our humble thanks to his maj. to have place before that of our Privileges; and that a select committee should consider of it, so as we may end it against to-morrow morning.

Mr. *Glanvile* would have our humble thanks to his maj. and our presenting to him the reasons, that we could not make a sessions, finished to-night and sent away; lest we give opportunity to the adversaries of this house, to suggest to his maj. some misinterpretation of the reasons of our not proceeding for a sessions, according to his maj.'s Letter.

Sir *Edw. Coke* would have our Answer to the king's Letter to consist of two points: 1. Of our humble thanks for his gracious Letter: 2. To protest our loyalty and dutiful affection to his maj.: but would not have us touch any thing on misinformation or misinterpretation.

A Select Committee of four was accordingly appointed to go presently, to draw up an Answer to the king's Letter, with all expedition; and are to consider of the two points, whereof sir Edw. Coke spake, and to set down some reasons, why the house should not go forward with business for a sessions. The rest of the Grand Committee, proceeded in the mean time, with the debate on Privileges.

Sir *Rob. Phillips* saith, that, if our persons be not safe after parl. but that we are committed for what we say in parl. we are not then in safety here, neither shall we speak freely our minds: that, if (as it hath been here vouched) our Privileges are our birthright and inheritance, then is his maj. bound to let us enjoy them, as we are bound to his maj.: that his maj. said, that there is a difference between an absolute king, and a politic king, as himself is: and his majesty taketh an oath, at his coronation, to maintain our privileges; and then his maj. said, he was bound to maintain our privileges. We are to be the more careful of our liberties, because they are easily lost, difficult to be kept, and almost impossible to be recovered. He would have us view all the king's letters and messages, whereby we conceive our liberties have been impeached; and also to search out precedents, to see, what hath been done in the like cases. He would have us set down both precedents, and the reasons of those privileges, which we conceive to have been violated or impeached: and would have us take some course to demonstrate the same to the king, by petition or otherwise; and that afterwards we make, and enter here our Protestation, both for those privileges, and all the rest of our privileges.

Mr. *Noye* would have us resort to the precedent of 1. Jac. which was made on a like impeachment of our liberties; and, if that be a remedy well enough done, then he would have us do the same again in this case; but, if it be not well done that then we strengthen our's wherein the other was defective. He saith, that long arguing argues a doubt, and we are out of doubt of the right of our privileges; and therefore would have us go on briefly to recollect what we think hath been impeached, and then apply our remedies.

Mr. *Mallet* saith, that by the same reason, that the king doth command us to go on with bills, by the same reason may he command us not to go on with bills: that the king may punish any capital misdemeanours in parl. but not other inferior misdemeanours which are punishable by the parl.: the king may sue any privileged man in any of his maj.'s courts, notwithstanding his privilege; but it is otherwise, if his maj. sue a member of the parl. in time of parl. for it is the privilege of this house first to censure offenders here, if the offence be not capital.

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Sir *Tho. Wentworth* would not have us debate, at this time, of the right and privilege which the house hath, to debate of matter of War, and the Marriage of the Prince; because we did, in our former Petition, decline the further meddling therein; but would have us stand on it that our Privileges are our right and inheritance, and that it is at our election, to go on with bills or other businesses.

Mr. *Wentworth* saith, that he never yet read of any thing that was not fit for the consideration of a parl.; and, if there be a negative bound, or *ne plus ultra* set in any matter of parl. then he wisheth it may be known, that we may know our bounds.

*Petition of Thanks to the King.*] Mr. Speaker going into the chair, mr. Serj. *Ashley* reported the Petition of Thanks to the King; in hæc verba:

"May it please your most excellent Majesty;—We, your most loyal and humble subjects, the knights, citizens and burgesses of your Commons' House of Parliament, having this morning, to our great comfort, heard your maj.'s Letter, sent to our Speaker, full of grace and goodness to us and all your people, have thought it our duty, forthwith, to return our most humble and hearty thanks to your sacred maj. for so royal a favour vouchsafed unto us. And we do humbly beseech your maj. to be truly informed from us, that, although we have been very desirous, in our duty to your maj. who called us to this service, and to our country, for whom we serve, to have some good laws now to have been passed; and that there might have been a sessions before Christmas, to which your maj. upon our humble Petition, was graciously pleased to give way; yet, entering now into a serious consideration of the nature of those things, which must of necessity be prepared for the finishing of a sessions, and the straitness of time, whereunto we are driven by some unhappy diversions, which have fallen upon us, to our great grief; we are enforced once again to fly to your maj.'s grace and favour, humbly submitting ourselves to your royal wisdom, what time will be the fittest for our departure, and for our re-access, to perfect those beginnings, which are in preparation with us; which time, by God's grace, we resolve to spend with that diligence and care, as shall give good satisfaction to your maj. to our country, and to our own consciences, that we shall make good use thereof."

This Answer, or Petition of Thanks, was then ordered to be engrossed presently, and sent to his maj. which being done, the Speaker again left the chair, and the debates on the Privileges of the house was resumed.

Mr. *Alford* would have a select committee appointed to consider of the points of such of our Privileges, as are impeached, and to draw a Protestation for the same Privileges, in particular, and also of all the rest, in general.

Mr. *Tho. Crewe* saith, that, though the calling of a parl. and the continuing, prorogation and dissolving of it be in the king's sole power, yet, when we are called, we are, without limitation, to deal in what business ourselves think best; for otherwise shall we not be able to do their business, for whom we come hither, which is that of the country. He would not have this Committee to insist so much on particulars, as on the generality of our privileges.

Sir *Edw. Coke* would not have us here, at this time, in the handling and debating of our privileges, to meddle with War or Marriage; and would have a sub-committee appointed for this: and this sub-committe shall consider of all those matters, which are mentioned in the writ of parliament, and also of our Liberty of Speech, and of our power to punish those that speak too lavishly; and of our power to meddle and debate of what we shall, of ourselves, think fit.—The Heads to be considered of by the sub-committee for Privileges. 1. Concerning Freedom of Speech; and therein to treat 'de arduis et urgentibus negotiis regni,' according to the writ of summons, whether it be concerning the king, or otherwise. 2. Touching the Liberty of this House to punish the misdemeanours of any parliament man in parl. for things whereof this house hath cognisance, whether he ought not to be censured here by the house only. 3. Whether, when we receive commandment from the king, the house shall thereon desist, and not proceed, notwithstanding such command, in any business. 4. Whether our privileges be not our right and inheritance. 5. That the sub-committee shall consider of any thing else, incident to the liberty of the house. 6. Whether it be not fit for us, to make an expression here in the house, that it is an ancient Privilege of parl. that no member of this house shall presume to acquaint the king with any business in debate here, but by order from the whole house, or from the Speaker.

It was then ordered, that a sub-committee shall reduce all these Heads, which have been propounded, into the form of a Protestation; and that they shall render an account, and their reasons of such things, as they shall think not fit to be reduced into a Protestation; and the sub-committee is appointed acordingly, and is to sit this afternoon in the committee chamber. The Speaker being in the chair: it was ordered, that the Speaker shall attend the house at 4 of the clock, this afternoon; that, the sub-committee having drawn the foresaid Heads into the form of a Protestation, and made a report thereof to the grand committee, the house may (if occasion be) confirm the Protestation; because otherwise the king might command the house to be adjourned, before such Protestation be made in the house, and so endanger the validity of its privileges and liberties, in those points, wherein they have seemed to be impeached at this meeting; viz. in those Heads before ordered to be considered of by the sub-committee.

*Protestation of the Commons concerning Privileges.*] Dec. 18. p. m. Mr. Serjeant *Ashley*, from the sub-committee, presented to the house,

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the following draught of the protestation concerning the Privileges of the house: viz.

"The Commons, now assembled in parl. being justly occasioned thereunto, concerning sundry Liberties, Franchises, Privileges, and Jurisdictions of Parliament, amongst others not herein mentioned, do make this Protestation following:—That the Liberties, Franchises, Privileges and Jurisdictions of Parliament, are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, state, and the defence of the realm, and of the church of England, and the making and maintenance of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in parliament: and that in the handling and proceeding of those businesses every member of the house hath, and of right ought to have Freedom of Speech, to propound, treat, reason and bring to conclusion the same: that the Commons in Parliament have like liberty and freedom to treat of those matters, in such order, as, in their judgments shall seem fittest: and that every such member of the said house hath like freedom from all impeachment, imprisonment and molestation (other than by the censure of the house itself) for, or concerning any bill, speaking, reasoning or declaring of any matter or matters, touching the parliament or parliament business; and that, if any of the said members be complained of, and questioned for any thing said or done in parliament, the same is to be shewed to the king, by the advice and assent of all the commons assembled in parliament, before the king give credence to any private information."

The Speaker being in the chair: it was then ordered, that this Protestation shall be entered in the Journal of the house, and there to remain, as of record. And accordingly it was so entered, sitting the house, between 5 and 6 of the clock at night, by candle-light.

*The King's Answer to the Petition of Thanks.*] Mr. Chancellor of the Dutchy reported, in Answer to the Petition of Thanks and Excuse, which we yesterday sent by him and others to his maj. that he and the rest of the messengers yesterday attended the king, according to the command of the house, and had shortly after their coming to the court access to his maj. and that the king's Answer to the Petition was as followeth:—That he was sorry that this could not be made a session, according to the desire of this House, expressed in our late Petition preferred to his maj. to which he had most willingly assented: that the house knew there was no fault in his maj. who, observing the needless impediments, upon which we took occasion to stay our proceedings, had often admonished us not to lose time; first, by mr. Secretary Calvert, and afterwards by three sundry Letters and Answers. But, since the house conceived the straitness of time (which ourselves had drawn upon us) was such, as it would permit nothing to be done at this time, his maj. said, he had given order to adjourn the parl. till the 8th of Feb. next, which was the first day his maj. had formerly appointed for our meeting together. His maj. likewise said, that he could not omit to tell us, that he expected other thanks from the house, than we sent him, at this time; namely, for his gracious promises, to be as careful to maintain our Privileges, as his maj.'s own sovereign prerogative; first contained in his Answer to our Petition, and afterwards as clearly explained and enlarged by his maj.'s next Letter to mr. secretary Calvert, as his wit, for our safety, satisfaction and advantage could possibly devise." Mr. Chancellor added withal, that the king seemed well pleased, and said, that our petition was a mannerly and well penned petition.

*The King's Memorial on striking the Protestation of the Commons out of their Journal Book.*] The above Protestation of the Commons concerning their Privileges was, as before stated, entered of Record in the Journals of the house. But how the king relished it will best appear, by his sending for the Journal book of the Commons, in Council, and striking out this Protestation with his own hands;* and by the following Memorial, which was published a few days after:

"His most excellent maj. coming this day to the Council, the prince his highness, and all the lords and others of his maj.'s privy council sitting about him, and all the judges then in London, which were 6 in number, there attending upon his maj.; the clerk of the commons house of parliament was called for, and commanded to produce his Journal-Book, wherein was noted, and entries made of most passages that were in the commons house of parl.; and amongst other things there was written down the Form of a Protestation concerning sundry Liberties, Privileges, and Franchises of Parliament; with which Form of Protestation his maj. was justly offended. Nevertheless his maj. in a most gracious manner, there expressed, That he never meant to deny the house of commons any lawful privileges that ever they had enjoyed; but whatsoever privileges or liberties they had by any law or statute, the same should be inviolably preserved unto them; and whatsoever privileges they enjoyed by custom, or uncontrolled and lawful precedent, his maj. would be careful to preserve. But this Protestation of the commons' house, so contrived and carried as it was, his maj. thought fit to be razed out of all Memorials, and utterly to be annihilated; both in respect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, first, in respect of the time: for after such time as his maj. out of his princely grace, and to take away all mistakings, had directed his Letters to secretary Calvert, dated at Royston, 16 Dec. and therein had so explained himself, in the point of maintaining

* It appears by the printed Journals that it is either erazed or torn out.



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the Privileges of the house of commons, as that most of the said house rested fully satisfied, and freed from any scruple of having their liberties impeached: and after that, by his maj.'s Letters, directed to the Speaker, 18th Dec. being Tuesday, his maj. at the humble suit of the house of commons, condescended to make this meeting a session before Christmas, and for that purpose had assigned Saturday following: now, upon this very Tuesday, and while the messengers from the house of commons were with his maj. at Theobald's, to return thanks unto his maj. and therewith an excuse from them not to make it a session, in respect of the strait of time whereunto they were driven; which deferment his maj. admitted of at their desires, and thereupon gave order for the adjournment of the parl. until the 8th of Feb. next, which was the first day formerly appointed by his maj. for the meeting together of the parl.: and whilst their messengers were with his maj. and had received a gracious Answer to return unto their house; even that afternoon, a committee was procured to be made for taking their Liberties into consideration: and this afternoon a Protestation was made (to whom, appears not) concerning their liberties; and at six o'clock at night, by candlelight, the same Protestation was brought into the house by the committee; and at that time of night it was called upon to be put to the question, there not being the third part of the house then present; whereas in all matters of weight, their usual custom is, to put nothing of importance to the question, till the house be full: and at this time many of them that were present, expected the question would have been deferred to another day, and a fuller house; and some then present stood up to have spoken to it, but could not be seen or heard in that darkness and confusion.—Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future times to invade most of the rights and prerogatives annexed to the imperial crown; the claim of some Privileges being grounded upon the words of the writ for assembling the parl. wherein some words, viz. *Arduis Regni*, are cunningly mentioned; but the word *quibusdam*, which restraineth the generality to such particular cases, as his maj. pleaseth to consult with them upon, is purposely omitted. These things considered, his maj. did, this present day, in full assembly of his Council, and in the presence of the judges, declare the said Protestation to be invalid, annulled, void, and of no effect: and did further, *manu suâ propriâ*, take the said Protestation out of the Journal Book of the clerk of the commons house of parliament; and commanded an act of council to be made thereupon, and this act to be entered in the register of council-causes.—Whitehall, Dec. 30, 1621."

Having now brought down the Proceedings of the Commons to the end of this parliament, we shall shortly revert to what was passing during this period in the House of Lords.

*Further Proceedings in the case of sir John Bennet.*] It may be asked, What was become sir John Bennet's affair, which was entered into with so much warmth at the last sitting of parl. but we hear no more of it in this, than his making his appearance to save his bail, and being ordered to attend from day to day; which proved so tedious, that sir John petitioned the house either to be tried, or discharged from so close an attendance. This was not complied with, and he was obliged to wait, without any trial, till the 17th of Dec. on which day it being signified to the house, that sir John was so sick that he could not, without great danger of his life, make his personal appearance, it was agreed that the said sir John should stand upon his bail for his appearance, but not to incur any danger of forfeiture for his non-appearance, at this time, by reason of his indisposition. Thereupon the Lord Keeper acquainted the house, That many petitions were exhibited, every morning, against the said sir John, which were much called upon. It was agreed, 'That, lest the justice and care of this house, to question the said sir John for the same, may be doubted of, notice shall be given to the petitioners, that this time was designed for greater affairs, and too short now to proceed against him upon those complaints; but that the lords did resolve, at the next access, to proceed against him effectually." As this next meeting never took place, in this reign, it is very probable, if sir John did not die of this illness, that he got off his trial and censure by the confusion of the times; for his bail would be discharged in course, at the dissolution of the Parliament.

*Proceedings against sir J. Bouchier for aspersing the lord keeper Williams.*] Sir John Bouchier, a Yorkshire knight, had presented a Petition to the Lords, on the 3d of Dec. complaining of some indirect dealing in the lord keeper of the great seal, for not giving a sufficient hearing to a cause of his in chancery, and refusing to re-hear the same. The Lords took this petition into consideration, for several days together; and, after examining several witnesses, pro and con, came, at last, to this Resolution on the question, That the lord keeper was freed from any precipitate or hasty hearing of sir John Bouchier's cause, as was alledged in his petition. And, on a second question, it was agreed, That the said sir John should receive some censure or punishment for the same. —Accordingly, Dec. 12. the Sentence against sir John was assented to, viz. "That he should make an acknowledgment, in their house, and in chancery, of his fault; and that he should be imprisoned." But the lord keeper saying, That the said sir John behaved himself well and temperately, at the hearing of his cause in chancery, and beseeching their lordships to remit the acknowledgment of his fault in that court, and likewise his imprisonment; the Lords highly commended the lord keeper's clemency, and remitted both. Then sir John being brought to the bar, and his Acknowledg-

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ment, ready drawn up, being delivered to him, he kneeling, said, "My Lords, in obedience to the Judgment of this House, I humbly submit myself;" and then read the same in these words: "Whereas, by the honourable Sentence of the lords spiritual and temporal, I stand convicted of a great misdemeanour, for taxing and laying an imputation on the lord keeper of the great seal of England; I do in all humbleness, acknowledge the justice of that their Sentence, and also mine own fault and offence, and am heartily sorry therefore; I do, therefore, crave pardon, both of your lordships, in general, and of the lord keeper, in particular."—Then, being commanded to stand up, the lord keeper told him, That, at his request, the Lords did remit the Acknowledgment to be made in chancery, and also his imprisonment: for which the said sir John most humbly thanked their lordships, and particularly the lord keeper. But, notwithstanding the mildness of this Sentence, for traducing the then principal officer of state, this man lived in the next reign, not only to vote the House of Lords out of doors, but also to embrue his hands in his sovereign's blood, as will be seen in the sequel.

*The Lords propose a meeting with the Commons on the Supply.*] Dec. 14. Things being in a confused state, already mentioned, between the king and the house of commons, and no likelihood of a Supply from that quarter, a motion was made in the House of Lords, by the lord Digby, to put the Commons in mind, "That this session was called to provide a present support for the Palatinate, as was delivered, by message from his maj. unto both houses, at the beginning thereof." His lordship likewise said, "That he had since received many advertisements of the great and present danger the Palatinate was then in; as well by the army of the duke of Bavaria, in pursuit of count Mansfield, as also by the army of that count, who came for the defence of the Palatinate, if he be not speedily supplied with means from hence to support it: because that country was not able to pay the soldiers, nor to feed so great an army; which must be in great distress for want of such relief. That divers terms of peace had been offered the count, very fair for himself; yet he would not hearken to any, so long as he hoped to be relieved from England, and might in any reasonable time, be assured thereof. Which advertisements of the danger and hope of the Palatinate, his lordship thought good, in discharge of his duty to the king, to acquaint their lordships with, that they might take the same into their consideration." The lords having duly weighed the matter, it was agreed, That there shall be a meeting with the house of commons concerning the narration made by the lord Digby. And it was also agreed, That, at the said meeting, the lord keeper shall first make an introduction, and the lord Digby shall proceed in his narration to the Commons. Then the lord Digby desired to be directed by the house, or a committee, in his narration; and it was ordered, That his lordship should put down the heads thereof in writing against the next morning: at which time it was again agreed, That it should be delivered as a narrative only.—But no message for this meeting was ever sent to the Commons; for, on the 18th of Dec. his royal highness the Prince presented a Commission, from the king, for the adjournment of this parl. to the 6th of Feb. ensuing.

*Proclamation setting forth the King's Reasons for dissolving the Parliament.*] But before the day arrived to which the parl. was adjourned, the King thought proper to issue a Proclamation, for the dissolution of it, containing his reasons for so doing. The following is a copy of the said Proclamation as given in Rymer's Fœdera, vol. xvii. p. 344.

"A Proclamation for dissolving this present Parliament.

"Albeit the assembling, continuing, and dissolving of Parliament, be a prerogative so peculiarly belonging to our imperial crown, and the times and seasons thereof so absolutely in our own power, that we need not give account thereof unto any; yet, according to our continual custom to make our good subjects acquainted with the reasons of all our public resolutions and actions; we have thought it expedient at this time to declare, not only our pleasure and resolution therein, grounded upon mature deliberation, with the advice and uniform consent of our whole privy-council, but therewith also, to note some special Proceedings moving us to this resolution; and that chiefly to this end, that as God, so the world may witness with us that it was our intent to have made this the happiest parl. that ever was in our time; and that the lett and impediment thereof being discerned, all misunderstandings and jealousies might be removed; and all our people may know and believe that we are as far from imputing any of those ill accidents, that have happened in parl. to any want or neglect of duty or good affection towards us by them in general, or by the greater or better number of parliament-men; as we are confident, the true causes discovered, they will be far from imputing it to any default in us, there having in the beginning of this late assembly passed greater and more infallible tokens of love and duty from our subjects to us their sovereign, and more remarkable testimonies from us of our princely care and zeal of their welfare, than have been in any parl. met in any former age.—This parl. was by us called, as for making good and profitable laws, so more especially in this time of miserable distraction throughout Christendom, for the better settling of peace and religion, and restoring our children to their antient and lawful patrimony; which we attempted to procure by peaceable treaty, at our own excessive charge, thereby to save and prevent the effusion of Christian blood, the miserable effect of war and dissension; yet, with full purpose, if that succeeded not, to recover it by the sword, and, therefore, as a ne-

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cessary means conducing to those ends, the supply of our treasures was to be provided for. —This parl. beginning in Jan. last, proceeded some months with such harmony between us and our people as cannot be paralleled by any former time; for as the house of commons at the first, both in the manner of their supply and otherwise, shewed greater love and more respect than ever any house of commons did to us, or, as we think, to any king before us; so we upon all their complaints have afforded them such memorable and rare examples of justice as many ages past cannot shew the like; wherein, that we preferred the weal of our people before all particular respects, the things themselves do sufficiently prove, our justice being extended not only to persons of ordinary rank and quality, but, even to the prime Officer of our kingdom; and, although, after their first recess, at Easter, we found that they mispent a great deal of time, rather upon the enlarging of the limits of their liberties, and divers other curious and unprofitable things, than upon the framing and proponing of good and profitable laws; yet, we gave them time and scope for their parliamentary proceedings, and prolonged the session to an unusual length, continuing it until the 28th of May, before we signified our purpose for their recess; and then we declared that we would make a recess on the 4th of June next following, but only for a time, and in such manner as might be without disturbance to any of the business in hand; expressing out of our grace, though we needed not, the causes of that our purpose, which were the season of the year, usually hot and unfit for great assemblies; our progress approaching; the necessity we had to make use of our council attending in both houses, both to settle our weighty affairs of state before we went, and to attend us when we went our progress; the disfurnishing our ordinary courts of justice so many terms together; the long absence of justices of peace and deputy-lieutenants, whose presence was needful for making and returning of musters, and for subordinate government of the country: And therefore we appointed to adjourn the parl. on the 4th of June, giving that warning longer than usual, that they might set in order their business, and prepare their grievances, which we promised both to hear and answer before that recess; for presenting whereof we appointed them a time.—This Message, graciously intended by us, was not so well entertained by some, who in a short time dispersed and spread their jealousies unto others, and thereby occasioned discontentment in the house, for being adjourned without passing of bills; yet made not their address to us as was meet, but desired a Conference with the Lords, and at that Conference, the 29th day of May, under colour of desiring to petition us for some further time to perfect and pass some special bills, were imboldened not only to dispute, but to refel all the reasons that we had given for the adjournment; which being made known unto us, we again signified our pleasure to both houses, that on the 4th day of June the parl. should rise, but we would then give our royal assent to such bills as were or should be ready and fit to be then passed, continuing all other businesses in the state they were, by a special act to be framed for that purpose.—The Lords with all duty and respect submitted to our Resolution, passed the act, and sent it with special recommendation to the House of Commons; but they neither read it nor proceeded with business, but forgetting that the time was ours and not theirs, continued their discontent, as they pretended, for being so soon dismissed. —We, though it were strange to observe such averseness for our resolving, upon such weighty reasons, that wherein we needed not be measured by any other rule but our own princely will, yet were contented to descend from our right, to alter our resolution, and to continue the session for a fortnight more, wherein they might perfect such public bills as were esteemed of most importance; for which purpose, we ourself came in person unto the higher house of parl. and made offer thereof unto them; which being, in effect, as much as the Commons had formerly desired, was no sooner offered, but yielding thanks to us, the said Commons resolved, the same day, directly contrary to their former desire, to refuse it, and to accept our first resolution of an adjournment, but attending us at Greenwich presented no Grievances.—This inconstancy as we passed it by with a gentle admonition, so, for the matter of Grievances, as well of England as Ireland, we promised to take them into our own care, though not presented to us, and really performed the same so far as the time and the advice of our council of each kingdom could enable us; as is witnessed by our several Proclamations published in both realms, as, likewise, in granting, at the same time, those three suits which were propounded unto us by the archbishop of Canterbury, at the request and in the name of both the houses; but, in conclusion, the House of Commons making it their choice, we made a recess by adjournment of the parl. the 4th day of June; though, indeed, we must do them this right, that at the said recess, taking into their serious consideration the present estate of our children abroad and the general afflicted estate of the true professors of religion in foreign parts, they did, with one unanimous consent, in the name of themselves and the whole body of the kingdom, make a most dutiful and solemn Protestation, That if our pious endeavours, by treaty, to procure their peace and safety, should not take that good effect which was desired in the treaty, whereof they humbly besought us not to suffer any long delay; then upon signification of our pleasure in parl. they would be ready to the uttermost of their powers both with lives and fortunes to assist us, so as that, by the Divine help of Almighty God, we might be able to do that by our sword which by peaceable courses should not be effected.—But during the time of this long recess, having to our great charges mediated with the

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emperor by the means of our embassador, the lord Digby, and having found those hopes to fail which we had to prevail by treaty; we in confidence of the assistance of our people, thus freely promised and protested in parl. did instantly shorten the time of the recess, which we had before appointed to continue until the 8th day of Feb. and did re-assemble our parl. the 20th day of Nov. last, and made known unto them the true state and necessity of our children's affairs; declaring our resolution unto them of taking upon us the defence of our children's patrimony by way of arms, since we could not compass it by an amicable treaty, and therefore expected the fruit of that their Declaration, whereby we were invited unto this course.—Wherein, howbeit we are all well satisfied of the good inclination of most part of our House of Commons, testified by their ready assent to the speedy payment of a Subsidy newly to be granted; yet, upon this occasion, some particular members of that house took such inordinate liberty, not only to treat of our high prerogatives, and of sundry things, that, without our special direction, were no fit subjects to be treated of in parl. but, also, to speak with less respect of foreign princes, our allies, than was fit for any subject to do of any anointed king, tho' in enmity and hostility with us.—And when, upon this occasion, we used some reprehension touching those miscarriages, requiring them not to proceed but in such things as were within the capacity of that house according to the continual custom of our predecessors; then, by the means of some evil-affected and discontented persons, such heat and distemper was rais'd in the house, that, albeit themselves had sued unto us for a session, and for a general pardon, unto both which, at their earnest suit, we assented; yet, after this fire kindled, they rejected both, and setting apart all businesses of consequence and weight, notwithstanding our admonition and earnest pressing them to go forward, they either sat as silent, or spent the time in disputing of Privileges, descanting upon the words and syllables of our Letters and Messages; which for better clearing of truth, and satisfaction of all men, we are about to publish in print so soon as possible we can: and, although, in our Answer to their Petition, we gave them full assurance that we would be as careful of the preservation of their Privileges as of our own royal Prerogative, and in our Explanation after sent unto them by our Letters written to our Secretary, we told them that we never meant to deny them any lawful Privileges that ever that house enjoyed in our Predecessors times, and that whatsoever Privileges or Liberties they enjoyed by any law or statute should ever be inviolably preserved by us, and we hoped our posterity would imitate our footsteps therein; and whatsoever Privileges they enjoyed by long custom, and uncontrolled and lawful precedents, we would likewise be as careful to preserve them, and transmit the care thereof to our posterity; confessing ourselves, in justice, to be bound to maintain them in their rights, and, in grace, that we were rather minded to increase that infringe any of them, if they should so deserve at our hands; which might satisfy any reasonable man that we were far from violating their privileges.—And altho', by our Letters, written to their Speaker, we advised them to proceed and make this a session, to the end our good and loving subjects might have some taste, as well of our grace and goodness towards them by our free Pardon and good laws to be passed, as they had both by the great and unusual examples of justice since our meeting, and the so many eases and comforts given unto them by Proclamation; and although we had given order for the Pardon to go on, and that in a more gracious and liberal manner than had passed in many years before; and signified our willingness, that, rather than time should be mispent, they might lay aside the thought of the Subsidy, and go on with an act for Continuance of Statutes, and the general Pardon: yet all this prevailed not to satisfy them, either for their pretended Privileges, or to persuade them to proceed with bills for the good of themselves, and those that sent them. But as the session and pardon were by them well desired at first, so were they as ill rejected at the last; and, notwithstanding the sincerity of our protestations not to invade their privileges, yet, by persuasion of such as had been the cause of all these distempers, they fall to carve for themselves; and pretending, causelesly, to be occasioned thereunto, in an unseasonable hour of the day, and a very thin house, contrary to their own customs in all matters of weight, conclude and enter a Protestation for their Liberties, in such ambiguous and general words, as might serve for future times to invade most of our inseparable rights and prerogative annexed to our imperial crown; whereof, not only in the times of other our progenitors, but in the blessed reign of our late predecessor, that renowned queen Elizabeth, we found our crown actually possessed; an usurpation that the maj. of a king can by no means endure.—By all which may appear, that, howsoever in the general proceedings of that house, there are many footsteps of loving and well-affected duty towards us, yet some ill-tempered spirits, have sowed tares among the corn, and thereby frustrated the hope of that plentiful and good harvest, which might have multiplied the wealth and welfare of this whole land; and, by their cunning diversions, have imposed upon us, a necessity of discontinuing this present parl. without putting unto it the name or period of a session.—And therefore, whereas the said assembly of parl. was, by our commission, adjourned until the 8th day of Feb. now next ensuing, we minding not to continue the same any longer; and therefore not holding it fit to cause the prelates, noblemen, and states, of this our realm, or the knights, citizens and burgesses of the same parl. to travel thereabout; have thought fit to signify this our resolution, with the reasons thereof, unto all our subjects, inhabiting in all parts of this realm; willing

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and requiring the said prelates, noblemen and states, and also the said knights, citizens, and burgesses, and all others to whom, in this case, it shall appertain, that they forbear to attend at the day and place prefixed by the said adjournment; and in so doing they are and shall be discharged thereof against us: and we do hereby further declare, that the said convention of parl. neither is, nor, after the ceasing and breaking thereof, shall be, nor ought to be esteemed, adjudged, or taken to be, or make any session of parl.—And albeit we are at this time enforced to break off this convention of parl. yet our will and desire is, that all our subjects should take notice, for avoiding of all sinister suspicions and jealousies, that our intent and full resolution is to govern our people in the same manner as our progenitors and predecessors, kings and queens of this realm, of best government, have heretofore done; and that we shall be careful, both in our person, and by charging our privy council, our judges, and other our ministers, in their several places respectively, to distribute true justice and right unto all our people; and that we shall be glad to lay hold of the first occasion, in due and convenient time, which we hope shall not be long, to call and assemble our parliament, with confidence of the true and hearty love and affection of our subjects as either we, or any of our progenitors have at any time heretofore. Given at our palace of Westminster, the sixth day of January, 1621. *Per ipsum Regem.*"

*Several Members committed to Prison.*] The "ill-tempered spirits" the king alludes to in this Proclamation, were several leading members of the house of commons; amongst whom, we are told, sir Edw. Coke and sir Rob. Phillips, were committed to the Tower; and mr Selden, mr. Pymme and mr. Mallory to other prisons. Orders were given for sealing up the locks and doors of sir Edw. Coke's chambers, in London, and in the Temple, and for the seizing his papers. And the Council, debating about the general Pardon that should have passed this last parl. had considered about the ways of excluding him from that benefit, either by preferring a bill against him, before the publication of the Pardon, or, by exempting this eminent lawyer, by name; for which they said, they had precedents.—As a lighter punishment, sir Dudley Digges, sir Th. Crew, sir Nath. Rich, and sir James Perrot were sent into Ireland, joined in commission with others, under the great seal of England, for enquiring into sundry matters concerning his majesty's service, as well in the government ecclesiastic and civil, as in point of the king's revenues, and otherwise, within that kingdom. Sir P. Hayman, of Kent, was sent into the Palatinate; and, not long after this, sir John Savile, knight of the shire for the county of York, who carried all that country at a beck, and a powerful man in the house of commons, was made comptroller of the king's houshold, a privy counsellor, and, not long after, a baron. See Rushworth, vol 1. p. 55.

*A new Parliament called.*] The two succeeding years were almost wholly taken up carrying on the Spanish Match, and the Prince's Journey into Spain to effect it. The Prince and Buckingham being both returned to England from their fruitless expedition, and many exigencies of state requiring it; the king was advised to call a new parliament, notwithstanding his disagreeable parting with the last. Accordingly writs were sent out for one to meet at Westminster on the 12th of Feb. 1623, or the 21st year of this reign. But before we enter into the proceedings of this parliament we shall present the reader with a view of the State of the Peerage at this time:

*A List of all the Peers of England, called to Parliament anno* 1623, 21 *James I.*

Charles, pr. Wales, &c.
Lodowic, du. of Richmond, lord high steward of the houshold
Lionel, earl of Middlesex, lord high treasurer
Thomas, visc. Mandeville, president of the council
Edw. e. of Worcester, lord keeper of the privy seal
George, d. of Buckingham, lord high admiral
W. mar. of Winchester
Thos. earl of Oxford, lord great chamberlain
Thomas, earl of Arundel and Surrey, earl marshal of England
Jam. e. of Cambridge, steward of the household
Wm. e. of Pembroke, chamberlain of the household
Henry, e. of Northumberland
Charles, e. of Nottingham
John, e. of Shrewsbury
Henry, e. of Derby
Francis, e. of Rutland
Francis, e. of Cumberland
Hen. e. of Huntingdon
Edward, e. of Bath
Hen. e. of Southampton
Edw. e. of Bedford
Wm. e. of Hertford
Thomas, e. of Suffolk
Richard, e. of Dorset
Wm. e. of Salisbury
William, e. of Exeter
Philip, e. of Montgomery
John, e. of Bridgewater
Robert, e. of Leicester
William, e. of Northampton
Robert, e. of Warwick
William, e. of Devon
Esme, e. of March
John, e. of Holderness
Charles, e. of Carlisle
William, e. of Denbigh
John, earl of Bristol
Christopher, e. of Anglesey
Anthony, visc. Montague
Wm. visc. Wallingford
John, visc. Purbeck
William, v. Mansfield
Thomas, v. Colchester
Viscount Rochford
Thomas, v. Andover
Richard, v. Tunbridge
Henry Nevile, lord Abergavenny
Mervin Touchet, lord Audley
Edward, lord Zouch
Robert Bertie, l. Willoughby, of Eresby
Henry West, l. De La Warr
George, l. Berkeley
Henry Parker, l. Morley and Montegle
Richard, l. Dacres and Herst
Edward, l. Stafford
Emanuel, l. Scroop
Edw. Sutton, l. Dudley
Edward, l. Stourton
Charles, l. Herbert, of Shurland
John, l. Darcey and Meinil
Edward, l. Vaux
Thomas, l. Windsor
Thomas, l. Wentworth
John, l. Mordaunt
Oliver, l. St. John de Bletso

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|---|---|
| Thomas, l. Cromwel | Edward, l. Denny |
| William, l. Evers | Charles, l. Stanhope, of Harrington |
| Philip, l. Wharton | Thomas, l. Arundel, of Wardour |
| Edmund, l. Sheffield | Jn. Holles, l. Houghton |
| William, l. Paget | John Roper, l. Teinham |
| Dudley, l. North | Philip, l. Stanhope, of Shelford |
| Theophilus, l. Howard, of Walden, son to the e. of Suffolk | Edward, l. Noel |
| Edward, l. Wotton | Fulk Grevile, l. Brook |
| Francis, l. Russel, of Thornhaugh | Edward, l. Montague |
| Hen. l. Grey, of Groby | Robert, l. Carey, of Lepington |
| William, l. Petre | Henry Rich, l. Kensington |
| Henry, l. Danvers | John, l. St. John, of Basing |
| Robert, l. Spenser. | Wm. l. Grey, of Warke |
| George, l. Carew | |
| William Fienes, l. Say and Sele | |

Lay-Peers - 93 | Abps. and Bps. - 26—119.

*The King's Speech at the opening of the Sessions.*] The parl. being assembled on the 12th of Feb. they were, by commission, adjourned to the 16th, and from thence, by another commission to the 19th of the same month. On which day, being all met again and the Commons called up, the king was pleased to make the following speech:

"My lords spiritual and temporal, and you that are gentlemen of the house of commons of this present parliament:"

"It is a true saying and uttered by the spirit of God, 'that the glory of a king stands in the multitude of his people:' and I am sure it is as true, That the strength of a kingdom, stands next and immediately after God's protection, in the hearts of the people. That you may see and have a proof that I have not this only in my tongue, but have it likewise settled in my heart, (as God can bear me record every way) I have called you at this time to speak my mind freely to you; for, remembering the misunderstandings between me and you before, I am now come hither with an earnest desire to do the duty which God hath called me unto by declaring unto you the verity of this which God hath put into my heart, and to manifest my actions to be true by my words. I remember very well, that it is a very fit similitude for a king and his people to be likened to a husband and wife; for, even as Christ, in whose throne I sit in this part of the earth, is the husband to the church and the church his spouse, so I likewise desire to be your husband, and you should be my spouse; and, therefore, as it is the husband's part to cherish his wife, to entreat her kindly, to reconcile himself towards her, and procure her love by all means, so it is my part to do the like to my people.—There are but two ways for a king to shew his love to his people; one, in the constant good government of them during his life; the other by his behaviour to their representative body in parl. For the first, God knoweth, I desire my government may be performed, with an honest, just, true and sincere heart; and there is none of you that see or hear me this day but have found the fruit of it, one time or other. For the other part, belonging to the representative body, which is now the cause of calling you together, what greater evidence can there be to shew love between you and me, and between me and you, that are the repesentative body, in a right understanding, than, out of my own mouth and direction, to give you a taste of my love and care of you all.—The properties and causes of calling a parliament, (and so go the writs) are to confer with the king, and give him their advise in matters of greatest weight and importance. For this cause I have now called you together, that ye may have proof of my love and of my trust, and give me your advice, in the greatest matter that ever could concern a king; a greater declaration of my trust in you I cannot give.—I have been these many years upon Treaties, as far as I thought (and God is my witness I never had any other intention) for settling a peace in Christendom and settling a peace at home. In these Treaties I went long on, but finding them to have slower success than I expected, or had reason to do, I was willing, (and especially in one thing concerning the estate of my grand-children) to see a good and speedy end. In this, finding as great promises as I could wish, and yet finding their actions quite contrary, it stirred up my son to offer himself to make that Journey; and I thank God, having him now here, I have no cause to repent of it. For, being of full age and ripeness for marriage, he urged me to know the certainty, in a matter of so great weight, that he might not be put off with long delays; for delays, in such a case, are more dangerous than denials.—In it I was content as a rare example, to grant his desire: and with him I only, sent the man whom I most trusted, Buckingham; commanded him never to leave him nor return home without him. And I thank God for it, for it hath learned me wisdom; for, in 'generalibus versatur dolus.' I had general hopes before, but Particulars will resolve matters, Generals will not; and, before this Journey, things came to me as raw as if I had never heard of them before. I was as far disappointed of my ends as if I had been waked out of a dream; now I have put it into a certainty; and, whereas I walked in a mist before, I have now brought it to light.—Now, my lords, for the Particulars, they are gone so far as, both in the Treaty of the Match and of the Palatinate, that I know the utmost. I am resolved upon what I am like to obtain, and have had promises and projects, and some of them lately. But, to shew the trust that I put in you, I am content that my secretaries, from the information and assurance of my son and Buckingham, shall relate unto you all: and when you have heard all, 'super totam materiam,' I shall then entreat your good and sound advice, for the glory of God, the peace of the kingdom, and the good of my children. Never king gave more trust to his subjects than to desire their advice in things of this weight. For, I assure you, ye

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may freely advise me, seeing, of my princely fidelity, ye are intreated thereto. Never subjects had better hearts and experience to give me good advice than you; of which I make no doubt, for, if you love yourselves, you will give it me, your own felicity depending upon it.—One Particular I must remember you of, because it hath been much talked of in the country, that I should be slack in my care of Religion for other occasions.—My lords, and you gentlemen all, I pray you judge me charitably, as you would be judged; for, I never made public or private Treaties, but I always had a direct reservation for the public-weal and the cause of Religion, for the glory of God and good of my subjects. I only thought good sometimes to wink and connive at the execution of some penal laws, and not to go on so rigorously as at other times, but not to dispense with any, or to forbid or alter any that concern Religion. I never promised or yielded, I never did think it with my heart, nor spoke it with my mouth. It is true, a skilful horseman doth not always use the spur; but sometimes the bridle, and sometimes the spur: so a king, that governs wisely, is not bound to carry a rigorous hand over his subjects upon all occasions; but may sometimes slacken the bridle, yet so as his hands be not laid off the reins. And so much for that point, to be cleared upon all occasions.—Now albeit it be a great matter to require your advice, yet in this I pray remember the weight of the business. I cannot limit you hours nor days, but your own hearts must do it; for every man, by nature, thinks the time long here, according to his own occasions at home. Therefore consider the State of Christendom and the State of my Grand Children, my own Estate and the State of my kingdom, the Treaties and all, and then upon all you are to give me your advice.—My lords; It is not enough, altho' you are never so willing to give me your advice; for to plant will not serve the turn, if I, like a good gardener, as well as plant, do not weed away from the roots, and remove the obstacles that hinder your so good advice: of which, the whole weed and manifest hindrance that can be, is your jealousy of me: free me from that, and, for my actions, I dare avow them before God and his angels. But jealousy hath a deep sting, take away that, and nothing can do me harm: you are my wife, and jealousy is subject to a wife; therefore remove it, and be not jealous of me.—For matters of Privileges, Liberties, and Customs, be not over curious; I am your own kindly king. Ye never shall find me curious in these things: therefore do what you ought, and no more than your lawful Liberties and Privileges will permit, and ye shall never see me curious to the contrary. I had rather maintain your liberties than alter them in any thing. Show a trust in me, and go on honestly as you ought to do, like good and faithful subjects; and, what you have warrant for, go on with, and I will not be curious, unless you give me too much cause.—The next thing is, to beware that you take not in hand the maintaining of idle questions among you; which spoils good business. Remember, 'beware of genealogies and curious questions,' as St Paul speaks; and do you keep to the ground and gravity of the great business for which I call you; and next, for all other things that are for the great and good governing of the kingdom. Let not any stir you up to law-questions, debates, quirks, tricks and jerks; but continue yourselves in that honest modesty, whereby you may have my prayers to God for you, and procure the love of me, and an happy end to this parl.—God judge me, I speak as a Christian prince, never man, in a dry and sandy desart, where no water is, did thirst more in hot weather for drink, than I do now for a happy conclusion of this parl. I now hope, after the miscarriage of the last, that this may prove happy. I am neither curious nor captious enough to prevent it. Eschew all occasions of curious questions, which may hinder you in this great cause for which I have called you; and remember, That spending of time is spoiling of business. And I hope in God, and that by a faith in God, that, by your actions this parl. I shall clearly see your hearts; and that you are the true representative body of my subjects: for you know in your conscience, that of all the kings that ever were, I dare say never was king better beloved of his people than I am.—Therefore, be you true glasses and mirrours of their faces, and be sure you yield the true reflections and representations as you ought to do. And this doing, I hope you shall not only find the blessing of God; but also, by these actions, procure the thanks and love of whole people, for being such true and faithful glasses. And you shall never find me desire any thing of you, but what shall tend to the common good and weal of the kingdom."

His majesty having ended his speech, the Lord Keeper [John Williams bishop of Lincoln and dean of Westminster] by his commands, directed the Commons to repair to their own house, and choose a Speaker. The names of receivers and tryers of Petitions, being also read, the parl. was adjourned to the 21st.

*The Speaker's Speech to the King.*] Feb. 21. The Commons presented to the king sir Tho. Crewe, knt, sergeant at law, for their Speaker; whose excuse, for insufficiency, &c. being not allowed of, he was confirmed accordingly. Upon which he addressed himself to the throne, in hæc verba:

"Most Gracious Sovereign,—Since I can not bring an olive-branch in my hand as a sign of my peace; and that God, (in whose hands are the hearts of kings) without whose providence a sparrow doth not fall to the ground, whom no man can resist, hath inclined your maj. to cast your eye of grace on me, and to confirm me in this place: I am taught in the best school, 'that obedience is better than sacrifice;' and will only say with a learned father, 'da Domine quod jubes, & jube quod vis:' otherwise I have great cause to be afraid of such a charge, to be executed before so great a maj. and in so great an assembly; but that I hope

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your maj. will extend your sceptre of grace, as Ahasuerus did, to sustain me in my fainting.—Your maj. is princeps hæreditarius, descended from both the Roses, and hath united both the kingdoms. At your first entrance you wrought a wonder in the tumult of our cares, and cloud of our fears, happening upon the death of the late queen, by the bright beams of your sunshine; which a poet elegantly express'd, 'Mira cano, sol occubuit, nox nulla secuta est.' There was a David in Hebron, and no Ishbosheth to disturb your peaceable entrance; but the acclamations of all your subjects and commons, concurring to express their great contentment. This was no sudden flash of joy, but a constant blessing, by the continuance of the Gospel and true religion, maugre the malice and hellish invention of those, who would have blown up all at once; but God laughed them to scorn, and they fell into their own trap. These things I leave to your maj.'s royal remembrance, as a duty to be practised, and to be expressed by our thankfulness to our holy God; for it is a good thing to be thankful: 'non est dignas dandis, qui non agit gratias pro datis.'—Since my designment to this place, I called to mind these statutes of late times, and find two of especial note: the first 32 Hen. 8. which was called 'Parliamentum doctum,' for the many good laws made for the settling of possessions. The other is 39 Eliz.; which, by a reverend divine, was called 'Parliamentum pium;' because the subjects were enabled to found hospitals without licence of mortmain, or ad quod damnum, and other charitable laws, which I omit, being not perpetual. And I likewise called to mind many glorious offers made by your maj. and other good provisions at the last two meetings. Now your maj. hath stretched forth your sceptre to call us to you again, and hath made declaration, that all jealousies and distractions might be removed, and the memory of parliament nullities might be buried. And my desire is, that your maj.'s influence may distil upon us, and we proceed in such a sweet harmony and conjunction, that 'righteousness and peace may kiss each other,' and that 'mercy and truth may meet,' and the world may say, 'ecce quam bonum & quam jucundum regem & populum convenire in unum.'—And, for perfecting this work, the good bills against Monopolies, Informers, and Concealers, may now pass, and receive strength, with general, liberal, and royal pardon, according to the bounty of the late queen; that so this parl. may be called, 'felix, doctum, et pium;' which will be good to your subjects, and no diminution to your revenue, or derogation to your perogative; which, in your maj.'s hands, is a sceptre of gold; but, in other hands, is a rod of iron. I need not speak in the praise of the fundamental common laws; 'veritas temporis filia,' time hath sufficiently justified them. Monarchy is the best government; and of monarchies, those which are hereditary. The best Supply of your maj.'s wants is in parliament, where the subject is bound by his own consent; other courses of Benevolence come heavily. The subjects enjoy the gospel freely by your protection, and your maj. may be safe in their loyalty: other safeties are but as Ajax his shield, a weight rather than a defence. Their desire is, that the good laws for religion may be confirmed; and that the generation of locusts, jesuits and seminary priests, which were wont to creep in corners, and do now come abroad, may be, by the execution of these good laws, as with an east wind, blown over the sea. Our late queen Eliz. lived and died in peace: the Pope cursed her, but God blessed her: and so shall your maj. having God to your friend, find safety in the ark of true religion, and when you are old and full of days, land you in heaven; and then our hopeful Prince, which sprang out of your own loins, shall sway that sceptre, which you must leave to enjoy a crown celestial. And God, in his due time, will restore the distressed princess, her husband and royal issue, to that inheritance which is now possessed by the usurping sword of their enemies: whereof we are the more confident, because that country was heretofore a sanctuary in our distress, when religion was here persecuted. Cato was wont to say, 'hoc sentio, & Carthago destruenda est:' but I say, 'hoc sentio, & Palatinatus recuperandus est.'—The question was put to a Lacedemonian, Why their city wanted walls? who answered, 'Concord was their walls.' Your maj. under God, is a sole and entire monarch, whose walls are the Ocean without, and fortified within with a wall of brass, the bond of unity and religion; and happy is that place, of which it may be said, as of Jerusalem, 'It is a city at unity within itself.' Neither is your government confined within the limits of this kingdom, but extends itself to Ireland; where your maj.'s care and pains, in our late employment, gave divers provident directions for the setting forth of religion, the reforming of courts of justice, and the inflicting punishment on the disturbers of the public peace. And I am ocularis testis, that you have made these ample endowments of churches out of your own excheated revenue, as will be to your honour in all posterity.* But my desire is, as well in the beginning, as in all other our proceedings, our words may be 'vera, pauca, & ponderosa.'—Therefore with your gracious favour, accordingly to ancient precedents, we are humble suitors, that you would be pleased to allow our ancient Privileges;† and that, for our better attendance, our persons, goods, and necessary attendance, may be free from arrests; and that we may have Liberty of free Speech, not doubting but we

* Sir Tho. Crewe was one of the members who distinguished themselves against the Spanish Match, and in favour of the Commons Protestation, in the last parl.; and was thereupon sent into Ireland upon a commission. See p. 1375. See also his speech, in the debate relating to the Privileges of the House of Commons, in the last parliament, p. 1352.



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shall confine ourselves within the limits of duty. And because this great business may give us occasion often to resort to your maj. that upon our public suit, you will be pleased to give us your own fit time of access; and that all our actions may have a benign interpretation, and a good acceptation and opinion.—Lastly, That I may not only be a Speaker, but an humble suitor, protesting by the great God, by whom kings do reign, that whatsoever I have said, hath proceeded from a loyal heart; I therefore desire that I may be covered with the vail of your gracious construction, or acquitted by your gracious pardon."

*The Lord Keeper's Answer to the Speaker's Speech.*] The Speaker having finished his harangue, the Lord Keeper first conferred with the king, and then answered as follows:

"Mr. Speaker; his maj. hath heard your speech with no more patience than approbation; and as you have not cast it out into any general parts, no more will I: it is pity to pull down a frame which cannot be set up in so excellent a form again. A mathematician writes, That nothing can be so round, but that points and stops may be found therein; so I may observe, in your round and voluble speech, these distinct parts and articles. —You spoke something of yourself, something of the king, and something of the acts of parl. which are of two natures, some striving for life, others dropping into their graves: something of Common Law in general: something for the ordinary Supply of princes: somewhat of Benevolence: somewhat of the increase of true Religion: somewhat of regaining that which is lost to our enemies: somewhat of preserving our own: and somewhat of the reformation of Ireland. These were your materials; the formals were three. 1. Privileges from Arrests. 2. Freedom of Speech in your house. And, 3. a good interpretation of all when you have left the house.—I shall, from his maj. give Answer to them all, and shall proceed step by step: 1st. For yourself, mr. Speaker: his maj. hath not only stretched out his sceptre with Ahasuerus, but lifted up his voice, 'quæ est petitio tua & dabitur tibi;' he hath granted all your Petitions, and doth assure you by me, of his especial favour: 2ndly. For the king; we cannot deny God's blessing of us, and our blessing of God for his royal descent; his peaceable access to the crown; his miraculous preservation in this place; and our comfortable hope of the future. All these 'ibunt in sæcula sæculorum:'—3dly. For those laws, for settling of possession, that were enacted 32 Hen. 8. which you call 'Parliamentum doctum;' and those laws of Charity, made in the 39th of the late queen, which you call 'Parliamentum pium;' and those statutes of grace, which were provided in the last convention, (which his maj. would have made 'Parliamentum gratiosum') and the Pardon, which may make this 'Parliamentum munificum,' his maj. will take such fit and convenient courses, as may preserve life in the one, and give life to the other; so that you do, 'cito obstetricare,' play the good midwife in their birth.—4thly. For the abortives of the late assembly, which you call Parliament-Nullities; 'quem animus meminisse horret.' A strange chimera, such as I never read of, but in the articles of the new creed, 'credo Ecclesiam Romanam Catholicam.' Parliaments naturally beget entities. God and the king are averse to nullities. The first parl. was the three persons consulting together, 'faciamus hominem.' God is a maker and not a destroyer. Every consultation is for some good. Others may commend former laws. You have kept the best law till now. In my opinion, 'lex oblivionis' is the best: let the memory of those abortions be buried in the river Lethe, never to rise again.—I will put you in mind of a story, which Tully relates out of Thucydides. The Thebans having overcome the Lacedemonians, in memory thereof erected a brazen trophy. A complaint was made before the common council of the Amphictions, that, by that trophy, the memory of their discord was made eternal. Their judgment was, that it should be demolished, because it was not fitting that any record should be of discord between Greek and Greek. I leave the application.—5thly. For the Common Law, in general, it is of a convenient disposition, and fit for the climate; so far approved by his maj. that he would never allow any project which was not justifiable by common law.—6thly. For the ordinary Supply of Princes by parl. subsidies are most comfortable to the king and favourable to the subjects; because they issue from the heart, and are brought in by the hands of the people. Benevolence is but an anchor, and a help at a dead lift; because parliaments are a great body and of a slow motion. The king was averse to that way, and had never assented thereunto; but compelled by an intolerable provocation without, and invitation at home; and it was bestowed on that inimitable paragon, once of majesty, but now of patience;* that no man, without malevolence, can find fault with that Benevolence.—7thly. In the next place his maj. returned thanks to you for your care of Religion. Your house was antiently a Chapel; and it still may be said, 'non domus est, sed templum;' so many men as ye are, so many churchmen. His maj. gives full assurance, that he esteems no estate nor dignity like to that inestimable jewel of Religion; and if any scandal hath been, it hath been taken, not given cause for: and he wisheth with Alphonsus, the great king of Arragon, That all his subjects were kings, that then they might understand and be satisfied. He never spared the execution of any law, but for a greater law, 'salus reipublicæ;' all the rest are 'fines sub fine.' Our observation of any law is not for the written law, but for the commonwealth. All the laws are yet in force; no connivance but for the propagation of true

* The prince Palatine, sometime king of Bohemia.

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religion. 'What knowest thou, O man! whether the believing husband may save the unbelieving wife?' You have heard his maj.'s simile touching a skilful horseman; which, in Zachariah, is God's simile. Kings are like riders, the commonwealth is the horse, and the law is the bridle; which must be held always with a sure hand, not always with a hard hand: but, 'aliquando remittit ferire eques non amittit habenas.' Yet, if Hagar grow insolent, 'cast out the bond-woman and her son,' his maj.'s resolution is, 'That the son of the bond-woman shall never inherit with the son of the free.' His royal maj. hath given leave to us, that are his chaplains, to put him in mind of this, God is ever careful of kings, and kings cannot be too careful of him.—His maj. giveth you thanks for your just feeling and relenting at the usurpation of that sweet princess from her jointure, and expelling her olive branches from their inheritance. A good cause makes good soldiers. 'Attollit vires militis causa.' It is impossible, by amicable means, to recover the Palatinate; therefore you do well to sort Cato's 'Carthago evertenda,' with 'Palatinatus deglutinanda;' it ought to be unglued again, and pulled out of the clutches of those enemies, who, by force and cunning treaties, usurp the same. The king knows, and we know, and would have all the world know, the care he hath taken in this business; 'Patrias deprehendere curas.'—In the next place, you observe very well the wooden walls of this kingdom, the Navy being his maj.'s special care; and as the carver, who beautified Diana's temple, though it was at the costs of other men, yet was allowed, in divers places, to stamp his own name; so it cannot be denied but that noble lord, who has now spent 7 years study, and is become a master in that art, may grave his name upon his works, yet a fitting distance from his master's.—Lastly; for the Reformation of Ireland. As Pliny said of Trajan, that his care extended not to Italy alone; he hath not only shewed his beams upon this, but upon other countries. His maj. shines upon them by his good laws; and though that kingdom adds little to his crown, it adds much to his glory.—And now, mr. Speaker, what Liberties, Privileges, and Access were ever yielded to any of your predecessors, his maj. now granteth fully and freely, without the least jealousy or diminution. I will only add, out of Valerius Maximus, 'quid Cato sine libertate?' quid libertas sine Catone? What is wisdom without liberty to shew it? And what is liberty without wisdom to use it."

*The Lords desire a Conference concerning the Spanish Match and the Palatinate.*] After this harangue was ended, the house was adjourned to the 23rd of Feb. On which day, after the house was called, and several proxies admitted, the Lords took into consideration the Great Business for which his maj. had summoned this parl. and which he had imparted to them in that house. Their lordships agreed to desire a Conference with the Commons, for the expediting thereof, by the following Message:—"Whereas his maj. in his Speech, had said, 'That he designed the Prince and the duke of Buckingham to signify to both houses the Particulars of the last great Negotiation, and his secretaries to shew the Letters and Papers concerning the same.' Their lordships being desirous to expedite this Great Business, and hold fair correspondency with them, do pray, if their occasions so permit, a Conference to be had between both houses, in the Painted Chamber, to-morrow, at 2 in the afternoon, And if, upon doubt of any of the particulars then related, any of them move any questions, they shall be fully and clearly satisfied therein."

This Message being sent, the house highly approved of the Prince's own offer to assist the duke in his Relation to both houses; and also that the secretaries should attend with their Papers, and produce them as the Narration shall require. *Answer to the Message.* "That the Commons returned to their lordships hearty thanks for the good correspondency they desire to hold with them: they do most willingly embrace the meeting, as is desired, and will attend their lordships at the time and place appointed."

Feb. 24. On a motion of the Prince, another Message was sent to the Commons, importing, That the Painted Chamber being appointed for the intended Conference that afternoon, their lordships now desire that the said meeting might be in the hall, at Whitehall; that room being better accommodated for ease and hearing. Also to acquaint them with his highness's resolution to assist the duke in his Narration. The Commons readily assented to the first, and declared themselves much satisfied with the Prince's design.

*The Lord Keeper's Report of the duke of Buckingham's Negotiations in Spain.*]—Feb. 25. The now Duke of Buckingham, seven earls, one viscount, and three barons, were introduced into the house of lords, to their several places, with the usual ceremonies. On the Prince's motion, the Report which was to be made this day, by the lord keeper, of the duke's Narration of yesterday, was deferred to the 27th. At which time the Lord Keeper removed from the wool-sack to his place on the earls bench, in order to make his Report; the said Narration having been made to a committee, and not to the house. This Report, which from its great length, would occupy too great a space in this work will be found in vol 3 of the Lords Journals, p. 220. The following are the heads of the said Narration. "The Lord Keeper reported to their lordships, 'That the duke of Buckingham began with a threefold Preface: the 1st concerning himself. The 2nd concerning the Prince's Highness. And the 3rd concerning the subject whereof he was to treat. As touching the 1st he craved pardon of both houses, if, in the discharge of this great burden, which his maj. had imposed on him, he did not proceed in that order and method, (which left in the memory a sure dint and

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impression) which the business required; and desired them to consider how unusual it was for him to speak in so great and judicious an auditory. As touching the 2nd he did acknowledge, that, among many great ones, this was none of the least favours his maj. had laid upon him, to put him at this time under the wings and protection of the Prince his highness; without whose help and assistance, he was as unable to govern himself in the parts of the relation, as formerly in the passages of the negotiation. For the 3rd he noted his misfortune to fall upon a subject of such a nature as shall afford little honour to the relator, of what affection or disposition soever he be; for if he be well affected thereunto, and shall speak the truth, he must either blush or wrong his modesty; if otherwise, (as all true-hearted Englishmen must be affected otherwise) he is sure, by laying out all things in their true colours, to be taxed of malice and envy. However, the business being of the greatest importance that Christendom has afforded these many years; and that advice which the parliament was to give his maj. being to be founded in part upon this Relation, he would not be afraid to open so much as might perfectly inform both houses in the present business; but would spare, for all that, (as far as the nature of the Relation would give him leave) to dash upon the ministers employed from the one or the other king.—And this was the effect of his grace's Preface.—In the Narration itself his grace used indeed a close, but yet an exact and perfect method: a man might observe therein 6 distinct and several parts. 1. The Motives of the Prince's Journey to Spain. 2. The Treaty of Marriage, set a foot in Spain, severally, and by itself. 3. The Treaty of the Marriage, and Restitution united together by a reciprocal subordination. 4. The Prince's Return from Spain. 5. His majesty's subsequent proceedings in both the Treaties since the return. 6. The stating the Question, super totam materiam. And therein both the houses were to offer to his maj. their humble advice and counsel. Of these parts his grace spoke very distinctly and orderly." The Lord Keeper having concluded his Report, their lordships adjourned, ad libitum, to debate what they should advise the king to do in this business. And, because his maj. had required to have the advice of both houses, they thought it not fit to proceed further in it at that time; but to have a Conference with the Commons, and to consider, first, What to propose to them at their next meeting.

Feb. 28. The affair was again resumed relating to the Match with Spain and the Recovery of the Palatinate; and though the lords generally agreed, "That they cannot advise about one without the other; and, also, that they had so far declared themselves here, that it is not safe for the king to continue the Treaty on either, nor expect the Restitution of the Palatinate, by any other means than the sword; yet, their lordships do still think it not fit to deliver their single advise, but first to consult the Commons; and when the two houses have agreed thereon, then to deliver the same jointly to his maj." After which a long debate arose, what to propose to the Commons; and, at last it was resolved, That there was no necessity to treat of the Match and the Palatinate together. Also, their lordships were of opinion, That his maj. rely not upon any further Treaties; except they shall hear from the Commons better reasons for it at the conference. And a committee was appointed, of which the duke was the chief, to search for precedents of former treaties and Supplies to the king in matters of this kind. Also, the king's servants were to bring them all such Papers and Dispatches, out of Spain, as they should require.

March 1. The Lords were put in mind of their last Message to the Commons, touching the duke of Buckingham; and they thought good to explain themselves, by another message, on their resolution to give the king satisfaction that the duke is cleared and acquitted, by them, of that which the Spanish embassador complained of. Therefore, a Message was sent to the lower house, to express their lordships doubt that their meaning was not fully understood; for that they do think it most proper, as the Narration was made to both houses, so both to join, if they so please, in their justification of it to his maj.—After some time, the Commons sent an Answer to the Message, That they were desirous to confer with their lordships about it, by a committee of both houses. The lords appointed the Painted Chamber, and the time to be presently. Accordingly the same day, the abp. of Canterbury made the following Report of this Conference to the whole house.

"That they had conferred with the Commons, about this Complaint of the Spanish ambassador against the duke for his Narration, and that the Commons were so much of one mind with them, as if both houses were twins. That they highly approved of what the duke had done; and that he delivered nothing in his said Narration, but what he was led unto by the matter itself; wherein his grace was so far from transgressing, that he deserved thanks and honour: That they were desirous to join with their lordships, by a committee of the whole house, to signify as much unto his maj. And added, how sensible they were that any unworthy person should relate their secrets abroad, and desired that, whoever it was, he might be discovered, if possible."

In the further proceedings of this day, the duke of Buckingham put the lords in mind of the Grand Affair; and that a speedy resolution was very necessary in it, because time was precious, which the enemy would not pretermit; and, if they should lose the benefit of the spring, it would be irrecoverable: therefore his grace moved the house, That a committee should be appointed to inspect into the Stores of Munition, and to make such Provision for a Supply thereof as they should think fit. Accordingly, a committee was then appointed, to

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take a view of the magazines, stores, arms, and munition; to consider about the transportation of ordnance; of the ports of the land, and weakness thereof; of Ireland and of all other things incident to these; to present their opinions to the house of what defects they find, and the means to redress the same.

March 2. The Attorney General read a Letter to the King from the lord Digby, afterwards earl of Bristol, dated Madrid, Jan. 3. After hearing the contents of this Letter, the Lords began to deliberate on what should be delivered to the Commons, at a conference that afternoon, concerning the Grand Affair. And it was agreed, that the lord-keeper should begin with an Induction, out of the duke's Narration; and then acquaint the Commons, That the opinion of their house was to advise the king, 'super totam materiam,' 'That his maj. cannot, with the safety of his own honour, or conveniency of religion and the state, proceed any further for the Treaty of the Prince's Match, nor rely any longer on that for the Recovery of the Palatinate.'—It was also agreed, that the lord-keeper should deliver unto the Commons, by way of supplement, first, concerning the Treaty of Marriage, That it appeared, by the earl of Bristol's Dispatch, of Nov. 3, 1624, that the first motion of it came from Spain, viz. from the duke of Lerma into England. 2. Concerning the Treaty of Restitution, That the king of Spain had promised assistance, by arms, in case a mediation should not prevail; though now he denied it again. This appeared out of another dispatch from the earl of Bristol. 3. Concerning an heroic saying of the Prince, 'That when it was noised he should be detained a prisoner in Spain, he sent word by Grymes to the king, That in case news should come hither of his detention, his maj. would think no more on him as a son; but reflect all his royal thoughts on his sister, and the wellfare of his own estates and kingdoms.'

*The Commons' Reasons for agreeing with the Lords therein.*] March 5. The Archbishop of Canterbury made a Report, briefly, of what had passed at the Conference and delivered in the Reasons, in writing, from the Commons viz.;

"Reasons conceived by the House of Commons to fortify their Resolution to advise his majesty to proceed no further in the Treaties with Spain:

"I. It is observed, That the state of Spain, not content with their ordinary provisions for the exercise of the Roman religion by the Infanta and her family, which other princes, in like case, would have demanded, and which his maj. with great reason, might at the beginning of this Treaty, have conceived they would have been contented with, have, with great vehemency, upon the advantage of having the prince's person in their possession, pressed a general connivance for his maj.'s subjects of the Roman religion, to the great dishonour of Almighty God, in the sincerity of his service in this realm; and to the apparent diminution of his maj.'s sovereignty, by establishing a necessary dependance for protection upon a foreign king and state; and to the great derogation of the laws of this kingdom; and, lastly, to the grief and discouragement of all his maj.'s well-affected subjects, from whose general discontent they expected, as well appeareth, a consequence of no small mischief. II. It is observed, That during the continuance of this Treaty, and by reason of the same, the popish faction have exceedingly increased in this realm both in multitude and boldness; and whereas heretofore, they have been divided amongst themselves into the party of Jesuits depending upon Spain, and the secular Priests; otherwise they are generally, now, strongly united together, depending no less upon Spain for temporal respects, than from Rome for spiritual; which, considering the house of Spain hath been always a capital enemy to our religion, to encrease their own greatness, by extirpating the protestant party in all places where they can prevail, cannot but be of most dangerous consequence to the safety of the king and this realm, unless remedy be provided with speed for abating that party here at home; which cannot be during the time these Treaties are on foot. III. It is observed, that, by advantage of these Treaties, and thereby keeping his maj. in hope of general peace, they have contrarily, under pretence of assisting the emperor, oppressed by the protestant party in most part of Christendom, being the ancient allies and conferates of this crown, to the endangering not only of the whole state of the reformed religion, but also against the common safety of all the professors of the same. IV. During the time of these Treaties of Love with his maj. they have, with all kind of hostility, set upon his maj.'s son-in-law, the husband of his only and most royal daughter; invaded his towns and territories in all places; and, in fine, disinherited him, with all that royal offspring, of all his ancient patrimonial honours and possessions; to the great dishonour of his maj. and the extreme grief of all his well-affected subjects; and now also, at the last, when they should have come to make good the hope of restitution, they have laid new grounds for endless delays, and turned pretended difficulties into apparent impossibilities; not forbearing also to annex, as a condition to the weak hope of their uncertain and imperfect restitution, that the eldest son of the count Palatine should be brought up in the emperor's court: so restless are their desires to work the overthrow of our religion by all possible devices. Lastly, It is too apparent how many years, from time to time, they have deluded and abused his maj. with their Treaties; how small respect they have shewed to the Prince's greatness and worth; what indignity they have offered, again and again, to his highness, by importuning him, upon all advantages, to forsake his religion; contrary to the custom of all princes, and contrary to the ancient laws of honour and hospitality; who ought to have been used there

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with princely freedom, and pressed to nothing to which he was ill-disposed; considering withal, with what confidence, being so great a Prince, he had put himself within their power; although it pleased God so to guide and fortify his princely heart, that he constantly withstood all their attempts and machinations, to his own immortal honour, and the unspeakable comfort of all good people of his father's kingdom; whereunto may be added the infinite disadvantageousness and endless delays in their Treaties, inviting still to new treaties, and turning all to the advantage of their own particular ends; being true to nothing but their own grounded maxims, with which neither the Match nor Restitution of the Palatinate can possibly consist, but upon such terms as threaten to our estate an incurable mischief. And, for a further justification of the charge of insincerity in all their proceedings, these particulars ensuing, among many others, may be produced. 1. In that Treaty concerning Prince Henry; after many specious motions on their part, it was followed with disavowing their own ambassadors, and a scornful proposition to the king for that Prince's altering his religion. 2. In the Treaty of Brussels, wherein sir R. Weston was employed, he found nothing but delays and deceits; and, after divers peremptory commands from Spain, for his maj.'s satisfaction, they wrought no other effect than the Siege and taking of Heidelbergh; so that he was forced to return with a Protestation. 3. When baron Bascott came thither to continue their former Treaty, the first news we heard was, the translation of the electorate to the duke of Bavaria; of which both the baron and don Carlos protested ignorance, and that the king of Spain would let the world see how much he resented such an affront; yet it plainly appeareth, by the Letter of the count d'Olivares, given to the Prince, that the State of Spain both had intelligence of it before, and expected it to be effected at that diet. 4. When his highness was in Spain the count d'Olivares shewed him two Letters, by which it plainly appeared, that, till his coming thither, there was nothing really intended; which they were not ashamed directly to avow to the Prince himself, and that after the requital of so hazardous a journey, and such an extraordinary trust. When all articles were again concluded, they found a new shift, by a Juncto of Divines, to let the Prince come home without the lady; for whose person his highness had chiefly put himself to that hazard. Lastly, When upon his highness's happy return hither, we had just cause to expect the utmost they would do in restoring the Palatinate; the faithful promise of which was the only cause that the Prince yielded to that Juncto of Divines the Desponsaries being presently to follow; the Bergstat was to be delivered to the elector of Mentz, being won by the king of Spain's arms, and part of it then in possession of his own ministers, contrary to an express Article in the Treaty, concluded by don Carlos and the baron of Bascott; wherein it was particularly provided that no alteration was to be made in these Treaties till the general treaty was at an end."—These Reasons with the consequent Advice to the king annexed, being read, the Lords approved of them by a general vote of the house, *nem. diss.*; and a committee of the lords was appointed to join that of the other house, in order to go and present them to his majesty.

*The Address of both Houses on that Occasion.*] March 8. The Archbishop of Canterbury reported to the house, That on the 6th inst. the joint committees of both houses waited on his maj. at Theobald's; at which time he delivered himself to the king as follows:

"May it please your Most Excellent Majesty, We are come unto you, employed from your most faithful subjects and servants, the Lords and Commons assembled in this present parl. And, 1st, They and we do give most humble and hearty thanks unto Almighty God; that, out of his gracious goodness, he hath been pleased, now at last, to dispel the clouds and mists, which, for so many years, have dimmed the eyes of a great part of Christendom, in the business whereof we do now consult. And, 2ndly, We acknowledge ourselves most bound unto your maj.; that you have been pleased to require the humble Advice of us your obedient subjects, in a case so important as this, which hitherto dependeth between your maj. and the king of Spain; which we jointly offer from both houses, no one person there dissenting or disagreeing from the rest. And it is upon mature consideration, and weighing many particulars of sundry natures, that, finding so much want of sincerity in all their proceedings, we, 'super totam materiam,' present this our humble Address unto your maj.; that the Treaties, both for the Marriage and the Palatinate, cannot any longer be continued with the honour of your maj. the safety of your people, the welfare of your children and posterity, as also the assurance of your ancient allies and confederates."

*The King's Answer.*] To this speech from the Archbishop, the King returned this immediate Answer:

"My lords and gentlemen all; I have cause first to thank God with all my heart and all the faculties of my mind, that my speech, which I delivered in parl. hath taken so good effect amongst you; as that, with an unanimous consent, you have freely and speedily given me your advice in this great business; for which I also thank you all as heartily as I can.—I also give my particular thanks to the gentlemen of the Lower House; for that I heard, when some would have cast jealousies and doubts between me and my people, they presently quelled those motions; which otherwise might, indeed, have hindered the happy agreement I hope to find in this parl. You give me your Advice to break off both the Treaties, as well concerning the Match as the Palatinate: and now give me leave, as an old king, to propound my doubts, and hereafter to give you my Answer.—First, it is true, that I, who have been, all the days

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of my life, a peaceable king; and have had the honour, in my titles and impresses, to be stiled "*Rex Pacificus*," should be loth, without necessity, to embroil myself with war; far from my nature and from my honour, which I have had at home and abroad, in endeavouring to avoid the effusion of Christian blood; of which too much hath been shed, and so much against my heart: I say, that unless it be upon such a necessity, that I may call it, as some said merrily of women, 'malum necessarium,' I should be loth to enter into it. And I must likewise acquaint you, that I have had no small hope given me of obtaining better conditions for the restitution of the Palatinate, and that even since the sitting down of the parl. But be not jealous, nor think me such a king, that would, under pretence of asking your Advice, put a scorn upon you, by disdaining and rejecting it: for you remember, that in my first speech unto you, for proof of my love to my people, I craved your Advice in this great and weighty affair; but in a matter of this weight, I must first consider how this course may agree with my conscience and honour; and next, according to the parable uttered by our Saviour, after I have resolved of the necessity and justness of the cause, to consider how I shall be enabled to raise forces for this purpose.—As concerning the Case of my Children, I am now old; and, as Moses saw the Land of Promise from an high mountain, though he had not leave to set his foot on it; so it would be a great comfort to me, that God would but so long prolong my days, as if I might not see the Restitution, yet at least I might be assured that it would be; that then I might, with old Simeon, say, 'nunc dimittis servum tuum, domine, &c.' Otherwise it would be a great grief unto me, and I should die with a heavy and discomforted heart. I have often said, and particularly in the last parl. and I shall ever be of that mind, That as I am not ambitious of other men's goods or lands, so I desire not to enjoy a furrow of land in England, Scotland, or Ireland, without Restitution of the Palatinate: and in this mind I will live and die.—But let me acquaint you a little with the difficulties of this Case. He is an unhappy man that shall advise a king to war; and it is an unhappy thing to seek that by blood, which may be had by peace. Besides, I think your intentions are not to engage me in war; but, withall, you will consider how many things are requisite thereunto.—I omit to speak of my own Necessities, they are too well known. Sure I am, I have had the least help in parl. of any king that ever reigned over you this many years. I must let you know that my disabilities are increased by the Charge of my son's Journey into Spain; which I was at for his honour, and the honour of this nation: by sending of ambassadors, by maintaining of my children, and by assisting of the Palatinate, I have incurred a great Debt to the king of Denmark, which I am not able yet to pay.—The Low Countries, who, in regard of their nearness, are fittest to help for the Recovery of the Palatinate, are at so low an ebb, that, if I assist them not, they are scarce able to subsist. The Princes of Germany, that should do me any good, are all poor, weak, and disheartened, and do expect assistance from hence. For Ireland, I leave it to you, whether that be not a back-door to be secured. For the Navy, I thank God, it is in a better case than ever it was, yet more must be done; and, before it can be prepared as it ought to be, it will require a new charge, as well for its own strength, as for the securing of the coasts.—My children, I vow to God, eat no bread but by my means; I must maintain them, and not see them want. In the mean time, my Customs are the best part of my revenues, and, in effect, the substance of all I have to live on; all which are farmed out upon that condition, That if there be a war, those bargains are to be annulled; which will enforce a great defalcation.—Subsidies ask a great time to bring them in: now, if you assist me that way, I must take them up before-hand upon credit; which will eat up a great part of them. This being my case, to enter into war, without sufficient means to support it, were to shew my teeth, and do no more. In the mean time, I heartily thank you for your advice, and will seriously think upon it; as I pray you to consider of those other parts.—My Treasurer, to whose office it appertains, shall more at large inform you of those things that concern my Estate. Thus freely do I open my heart unto you; and, having your hearts, I cannot want your helps; for it is the heart that openeth the purse, not the purse the heart. I will deal frankly with you; shew me the means how I may do what you would have me, and if I take a resolution, by your advice, to enter into a war, then yourselves, by your own deputies, shall have the disposing of the money; I will not meddle with it, but you shall appoint your own treasurers. I say not this with a purpose to invite you to open your purses, and then to slight you so much as not to follow your counsel, nor engage you before I have engaged myself. Give me what you will for my own means; but, I protest, none of the monies which you shall give for those uses, shall be issued but for those ends, and by men elected by yourselves. If, upon your offer, I shall find the means to make the war honourable and safe, and that I resolve to embrace your advice; then I promise you, on the word of a king, that although war and peace be the peculiar prerogatives of kings, yet, as I have advised with you in the Treaties on which the war may ensue, so I will not treat nor accept of a peace, without first acquainting you with it, and hearing your advice; and therein go the proper way of parl. in conferring and consulting with you; and, haply, the conditions of peace will be the better, when we be prepared for war, according to the old proverb, that 'weapons bode peace'—Your kind carriage gives me much content; and that comforts me, which my lord

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of Canterbury said, That there was not a contrary voice amongst you all; like the 70 Interpreters, who were led by the breath of God.—I am so desirous to forget all rents in former parliaments, that it shall not be in my default, if I am not in love with parliaments, and call them often; and I desire to end my life in that intercourse between me and my people, for the making of good laws, reforming of such abuses as I cannot be well informed of but in parl. and maintaining the good government of the commonwealth. Therefore go on chearfully, and advise of these points, and my resolution shall then be declared."

*The Lords consider the State of the Nation.*] March 11. The Lords took into consideration the State of the Nation; which the Lord Treasurer* first gave an Account of to the house: afterwards a message was agreed upon to be sent to the Commons, to this purpose:" That, according to his maj.'s command, a Relation of his Estate had been made by the lord treasurer unto them; and they imagine the like hath been done in their house, by some members of it there: therefore, as this is like to be the foundation of these endeavours, which must first arise from them, lest some doubts should be started in that house, as there had been among the Lords, (which by all means they do labour to avoid) their lordships desire a meeting, with all convenient speed: where the Prince will be pleased, in his own person, to clear such doubts as have arisen in this business." This was agreed to by the Commons; the place, to be the Painted Chamber; the time, immediately.

March 12. The Lord president of the Council, (the viscount Mandevile,) reported to the house what passed at the Conference, yesterday, with the Commons. He said, "That his royal highness's speech was fram'd upon two Doubts; one started in that house, and the second proposed by himself; and that he used an heroic speech at the last. His highness told them That the lord treasurer had delivered to the lords the present necessity of the King's estate. And a doubt arising amongst their lordships, what the king's end might be in this, his highness thought fit to give his own sense thereof; and, lest the like doubt might also have arisen amongst them, the lords had commanded him, as his highness was pleased to say, to declare thus much unto them: "That the king did not intend, by that Declaration, that we should presently enter into consideration of relieving the king's estate; but, to let us see and know, that he could not, of himself, and upon his estate, maintain the war that might ensue upon our advice; but intended that, in the first place, we should provide for the defence and safety of the kingdom; and when we had resolved upon that, then it should appear a thing of no great difficulty to settle the king's estate in his own due time." This was for the resolution of the first Doubt.—Another Doubt his highness moved of himself, That it might be some might fear and imagine, that, when these things shall be settled, the king would be slow to call us together again. For this his highness urged them to call to mind the latter part of the king's last Answer, "That it should not be his fault if he was not in love with parliaments; and that, having occasion lately to send unto the king, he found his maj. willing to call us often to meet in parliament. But 3 things his highness wished us chiefly to consider: 1. How far this business was gone on already. 2. How far the year was run on. And, 3. How far we have exasperated those whom we may conceive to be our enemies. Three good Items. Therefore it was fit to use expedition, and so to provide, that we might not only shew our teeth, and do no more; but also be able to bite when there shall be cause. One thing more the Prince added, as follows: but this he told them, they must take as spoken from himself: and certainly it was principe dignum, a most heroic speech; viz. Gentlemen. "I pray you think seriously of this business; take it to heart and consider it. First, my Father's honour, next mine; and more particularly mine, because it is my new entering into the world. If, in this, ye shall fail me, ye shall not only dishonour me, but bring dishonour upon yourselves: but, if ye go on with courage, and shew alacrity and readiness in this business, you shall so oblige me unto you now, that I will never forget it hereafter; and, when time doth serve, ye shall find your love and your labour well bestowed."—Which Report the lord president ended thus: This conclusion did so take us, that we all prayed God to bless him, as we had just cause to honour him.

When the Lords had heard the lord president's Report, they received a message from the Commons to this effect; That they had certain information of great sums of gold to be transported beyond seas, and, as they conjectured, by the Papists: Wherefore they thought good to acquaint their lordships, in whose power it is to redress the same, that they may take such order therein as their lordships think good. The Lords answered, That they would immediately enquire about that matter.—Soon after came another message from the commons, importing, That having taken into mature deliberation the king's Answer, given unto the Advice of both Houses on Friday last, the 5th of March, they have resolved, with great alacrity and unanimous consent, to give his maj assistance: and, by reason of the correspondence between both houses they desire a conference; the number, time and place, at their lordships appointment. In answer to this the Lords named, presently, a committee of 6 from each bench to attend this conference, that afternoon, and, because some emergencies may happen which will

*Lionel Cranfield, earl of Middlesex, who was appointed lord treasurer on the removal of the viscount Mandeville to the office of lord president: But how this Account was received, and the consequences thereof to himself, will appear in the sequel.

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occasion the advice of the house, they agreed to sit at the same time.

March 12, p. m. The committee of lords being returned from the Conference with the Commons, the abp. of Canterbury made the Report of it to the house, to this effect: "That the committee of the Commons acquainted them, That they were first commanded to return the hearty thanks of their whole house to the Prince for his highness's speech unto their committee, at their last meeting; wherein they took much joy and comfort; and to assure him, that they will be ever very tender of his highness's honour. That they had concurred, with one unanimous consent, to the assistance of his maj. whensoever he shall be pleased to declare himself touching the breaking off the two Treaties with Spain. That they had drawn up a model of that which they intend to present to his maj.; and, for good correspondency, they had brought the same to be allowed of here, with such amendments, in the introduction only, as their lordships should think fit."—Then the attorney general read the Declaration, and the Lords gave their consent to the substance of it, by a general vote of the house; but agreed to mend the same in the introduction, because it was in the name of the Commons only. This addition the other committee assented to; and, when it was all finished, it was agreed to be presented to the king, by a committee of both houses, at such time as his maj. would please to admit them to his presence.

The Journals of the Commons are very defective in their first account of this session called The Originals; but this is supplied by a subsequent Account, much fuller than the other: and, as those of the Lords are so prolix in the Trials, &c. now before them, we shall begin with the Commons at this period, to avoid repetitions. What we find most remarkable in them are these:

*State of the King's Debts.*] March 11. The Chanc. of the Exchcq. reported some particulars relating to the King's present Debts, occasioned by some late expences, and particularly the long and deceitful treaties he had entered into, 'That, from the year 1617, the king had expended 145,000l. in entertainment of ambassadors sent hither; charge of the naval expedition against the pirates; on ships for the Prince's Journey; money taken up by the prince in Spain, &c. That there was 80,000l. due to the king of Denmark, with interest. Towards all these * * * (Here is an hiatus for what had been given towards it.) And he next proceeds to acquaint the house what savings, in the public Expences, had been made; as, "That, for Ireland, an Establishment was begun there, both for church and commonwealth; which, pursued, would subsist of itself: for the Navy, besides the king's timber, it cost 50,000l. a year; reduced these last 5 years to 30,000l. and ten new ships built, besides many houses for magazines: for the Forts, a commission was given this last summer to two persons, who have made a certificate of the charge; which may be seen when the house pleases." The next that spoke was

Sir *Benj. Rudyard*, who proved, in the succeeding reign, a great orator in the house: he said, "That want of parliaments were the principal means of the growth of Grievances in the commonwealth: that the king's propositions to us now, were, how to make good that breach which we advise him to: to prepare for their own security: to intreat the Lords to join with them in a committee of a council of war, to devise the fittest means to secure Ireland, our forts, fit out our navy, and join with the Low Countries: also to present the king with some relief for himself to sweeten him, besides the provision for war."

There were many speakers besides, on these affairs, all tending to advise the king to dissolve the Treaties; and, at last, it was resolved, upon the question, "That, in pursuit of their Advice, upon his maj.'s Declaration to break the Treaties, they would be ready to assist him, in a parliamentary manner, with their fortunes and abilities." This was carried without one negative voice: but the result of all these Resolutions will appear in the subsequent Proceedings of the Lords.

*The Declaration of both Houses to assist his Maj. upon his dissolving of the Treaties with Spain.*] March 13. His royal highness acquainted the house, That his maj. was pleased the committees of both houses should attend him the next day, at Whitehall, at 2 in the afternoon, in order to deliver their Declaration. And a preamble to it being thought necessary by the Lords, the same was communicated, by message, to the Commons, and approved of by that house. Accordingly, March 14, the abp. of Canterbury (Geo. Abbot) who had been appointed to deliver these matters to the king, waited on him, at the head of the committee of both houses, and spoke as follows:

"May it please your sacred Majesty; We are come unto you again from your most faithful subjects and loyal servants, the lords and commons in this present parl. assembled. And, first, we humbly let your maj. know how much we hold ourselves bound to Almighty God, that he hath set a king to rule and reign over us, who is pleased, in the greatest and weightiest causes, to speak and be spoken unto in parl. by his good and loving people; which maketh a king to understand them over whom he beareth rule, and them again to understand him. It is a true bond that tieth the heart of a sovereign to a subject, and of a subject, reciprocally, to their liege lord and sovereign.—Next, we rejoice that your maj. has shewn yourself sensible of the insincerity of that people, with whom, of late, you have had a double Treaty, and of the indignities offered by them to your blessed son, the Prince, and to your royal daughter; and that your kingly heart is filled with an earnest desire to make reparation to her noble consort and herself of the Palatinate, their patrimonial possession; which is agreeable to justice, and unto all the laws both



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of God and man. For the effecting whereof, to testify with what alacrity, and with what expediteness and uniformity of heart, both your houses of parl. in the name of your whole kingdom, have borne themselves unto your maj. with offer to give you their real assistance; we have digested it into writing, lest by the verbal or vocal delivery of any one person, it may miscarry, or the expression of our zeal be weakened and diminished; which we humbly pray your maj. to give me leave to read unto you."

"The Parliament's Remonstrance or Declaration to the King.

"May it please your most excellent Maj.; We your maj.'s most humble and loyal subjects, the lords and commons in this present parl. assembled, having lately received and taken into our consideration your gracious and prudent Answer, given to the unanimous and humble Advice presented to your maj. in the name of both houses, (that the two Treaties, one of the Palatinate, the other of the Marriage, might be dissolved), do, in all humbleness, render to your maj. our most dutiful thanks, that you have been pleased to take in so good part the manner of our proceedings in that weighty business; as, likewise, graciously to intimate your royal inclination not to reject that counsel which yourself was pleased to ask; and which, accordingly, hath been offered to your maj. in the name of both the houses.—And whereas, in your princely wisdom, you made known to us, That your own treasure, by reason of your extraordinary charge and expence at this time, is so much exhausted, that your maj. by your own means, cannot support a war, which, haply, may follow on the breach of these Treaties: we do therefore, most humbly and earnestly, beseech your maj. that neither that, nor any other consideration, may hinder your present resolution, for which you have our most chearful and universal advice; and we do, with dutiful and zealous affections, assure your maj. and hereby manifest and declare, That in pursuit of our advice, upon your resolution made to dissolve the said Treaties, (the deferring whereof may prove dangerous) we will be ready, in a parliamentary manner, with our persons and abilities to assist you."

*The King's Answer.*] To the foregoing Remonstrance, the King answered as follows:

"My lords and gentlemen all; I have nothing to say to the preamble of my lord of Canterbury, but that he intimated something in it which I never spoke: for whereas he said, 'I have shewed myself sensible of the insincerity of those, with whom I had lately to deal, and of the indignity offered to my children:' in this you must give me leave to tell you, that I have not expressed myself to be either sensible or insensible of their good or bad dealing: Buckingham hath made a relation to you, by my commandment, which you are to judge upon; but I never yet delivered my mind upon it. When Jupiter speaks, he uses to join his thunder to it; and a king should not speak, except he maintain it by action. As for the Matter of their Declaration unto my demands, which you have couched in that paper, which I now heard read unto me, I confess, it is without example, that any king hath had such an offer. And, with your favour, I need fear nothing in this world, having so much the hearts of my people. For the large offer of assistance, I hold it to be more than millions of Subsidies; and, indeed, it is an ample reward for the trust and freedom which I have used with you.—But, my lords and gentlemen, you must give me leave, on the other side, to consider the possibility of the action: for, in this case, I must do, as a man that maketh a fortification, which must have out-works and in-works; so I must not deal only with my own people, but with my neighbours and allies, to assist me in so great a business as the Recovery of the Palatinate. And in this case, it is not sufficient to have the hearts of my subjects, without the help of my neighbours and allies. On the other side, unless particular means be set down, it will neither be a bridle to our enemies, nor a comfort to my friends who shall join with me. General words will not carry it; therefore I must resort to particular means, and follow the counsel of our Saviour Christ in the gospel, before I begin a war, to see how I can maintain it. God knows it is a longsome work, yet I desire with Moses, as I said before, but to see the Land of Promise, though I live not till it be recovered. But unless particular means be discovered, it is little to the point: therefore, since you give me such fair general promises, I will deal freely with you, I will tell you, in particular, the way I will propose, either by way of Subsidies or otherwise; which being done in parliament, is a parliamentary way. I would require you to be pleased to bestow upon me five Subsidies, and two 15ths to every Subsidy, for the war: and, for mine own necessities, my crying Debts are so heavy, that no man can bear them with a greater grief of heart, and sting of conscience, than I have done, and do: and I now growing old, would be glad to see a means for the satisfying of my Debts before I go out of the world: and, for this end, I desire you would give me one Subsidy and two 15ths yearly, untill my Debts be paid."

[Here the Prince his highness taking notice of an objection made, that this might seem contradictory to that which his highness had told the committee of both houses, That the king's maj. would ask nothing for his own particular till the wars were provided for: the Prince said, That the duke of Buckingham, in his absence, hath moved this doubt unto the king. Whereupon the duke affirmed, that, speaking with the king about it, his maj. was pleased to say, If we would add one Subsidy, and two 15ths to make it up 6 Subsidies and twelve 15ths for the war, he was well content to quit that which he had asked for his own necessities.]—

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The king proceeded: "If this may be done, or that I may see a fair way for it, I will follow your advise; for I would never have asked your advice to reject it, or to put a scorn upon you. For the levying of these Subsidies and 15ths I would have you to consider how to clear these two difficulties. If you levy them too suddenly, it may be heavy for the people; if you stay too long, it will not serve the turn: but this I leave to your consideration. And since I leave it to yourselves to receive the money, and expend it by your own committees of both houses, you may be the more secure. And yet I would not have you to be too hasty in the levying of it, that no extremity be shewed to my people by imposing too heavy a burden upon them, which God forbid. On the other side, the business will not suffer too long lingering about it. I told you before, I had, in this great business, to look to my conscience and honour, as well as to the means: for the means, I must have it from you; my conscience and honour is my own, of which I have thought, and do think daily, and how I shall be able to discharge them as a king ought to do. In this point I am already resolved in a great part; but, if any scruple shall remain with me I will acquaint you with it, and not only seek but follow your advice." [Here again the Prince said, he had spoken with his father, to know of him, whether he was satisfied in honour and conscience that he might in this case undertake a war; and that his maj. answered, "He was already satisfied and resolved therein; but, for the manner of publishing it, he would take your advice." Then the duke of Buck. said, "The reason why his maj. used these words, was, that having formerly spoken of his honour and conscience, if he should now have left them out, it might have been thought that money only had drawn him to it. But the king said he was already satisfied and resolved, yet would have our advice for the maner of declaring it."] The king again proceeded, "I told you before, that this was the way to make me in love with parliaments: and, to shew mine Inclination to continue them still, my resolution is to make this a session for the passing of as many good laws, as, in convenient time, may be prepared; and at Michaelmas, or within a few days after, to have a new session, and another at the spring. And, in the mean time, you may go down and acquaint yourselves with the grievances of my people, and you shall see my care to make good laws, and to reform abuses; that so my subjects may find the good fruits of parliaments and rejoice in them: and, I protest, as I have asked your advice in these points, which I needed not to have done, so I will never enter into any agreement or treaty of composition for peace, which is the end of war (else it is unjust and unchristian) without your advice: and I will help you myself, if we enter into a war, to make it allowable to the world, and honourable for me."

*The Parliament's Address to the King upon voting a Supply.*] March 22. The Lords received a message from the Commons, importing, 'That, since they desired all expedition to be made in the great business of the two Treaties, and had taken into consideration his maj.'s last Answer, they have thought on a Proposition to be made to him touching those affairs; wherefore they desire a conference with the Lords about it. This conference was accepted by the lords; and, when their committee was returned from it, the Report was made by the abp. of Canterbury, That the Commons had delivered to them their Propositions in writing, and had left a blank for their lordships to be named with them, if they thought fit. Then they were read to the house, and the question being put, it was agreed, by all, only one lord dissenting, to fill up the blank. But afterwards, the Lords taking exception against one clause about religion, mentioned in the said Proposition, the Commons agreed to leave it out; but not without a division of their house. The proposal from the two houses therefore, as it was delivered to the king by the abp. of Canterbury, was in these words:

"Most gracious Sovereign; We your maj.'s most humble and loyal subjects, the lords and commons in this present parl. assembled, do first render to your most sacred maj. our most dutiful thanks, for that, to our unspeakable comfort, you have vouchsafed to express yourself so well satisfied with our late Declaration made unto your maj. of our general resolution, in pursuit of our humble advise, to assist your majesty in a parliamentary way with our persons and abilities.—And whereas your majesty in your great wisdom and judgment foreseeing that it will make a deeper impression, both in the enemies of that cause, and in your friends and allies, if they shall not only hear of the cheerful offers, but also see the real performance of your subjects towards so great a work, was graciously pleased to descend to a particular proposition, for the advancing of this great business; we therefore, in all humbleness, most ready and willing to give your maj. and the whole world, an ample testimony of our sincere and dutiful intentions herein, upon mature advice and deliberation, as well of the weight and importance of this great affair, as of the present estate of this your kingdom (the weal and safety whereof is, in our judgments, apparently threatened, if your maj.'s resolution, for the dissolving of the Treaties now in question be longer deferred; and that provision for defence of your realm, and aid of your friends and allies, be not seasonably made) have, with a cheerful consent of all the Commons, no one dissenting, and with a full and chearful consent of the Lords, resolved, That, upon your maj.'s public declaration for the dissolution and utter discharge of both the said Treaties, of the Marriage and of the Palatinate, in pursuit of our advice therein; and towards the support of that war which is likely to ensue; and more particularly for those four points proposed by your maj. namely,

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for the Defence of this your realm, the securing of Ireland, the assistance of your neighbours the states of the United Provinces, and other your maj.'s friends and allies, and for the setting forth of your royal navy) we will grant for the present the greatest aid which was ever given in parl. to be levied in so short a time, that is to say, 3 entire Subsidies, and 3 15ths, to be all paid within the compass of one whole year after your maj. shall be pleased to make the said Declaration; the money to be paid into the hands, and expended by the direction of such committees or commissioners, as hereafter shall be agreed upon at this present session of parl.—And so we most humbly beseech your maj. graciously to accept of these first-fruits of our hearty oblation, dedicated to that work, which we sincerely desire may prosper and be advanced, and, for the future, to rest confidently assured, That if you should be engaged in a real war, we, your loyal and loving subjects, will never fail, in a parliamentary way to assist your maj. in so royal a design; wherein your own honour, and the honour of your most noble son, the Prince; the ancient renown of this nation, the welfare, and very subsistence of your noble and only daughter, and her consort, and their posterity, the safety of your own kingdom and people; and the prosperity of your neighbours and allies, are so deeply engaged."

*Morley and others punished for reflecting on the Lord Keeper.*] March 23. One Tho. Morley, having presented a Petition to the Lords, highly reflecting on the lord keeper, for some indirect practice against him in the Star-Chamber; and, afterward, printing and dispersing many copies abroad: the said Morley was called before the house to answer the same; and, after a full hearing of his allegations, behaving himself very impudently at the bar, he was, by general consent, sentenced, "1. That the said Morley shall, for his great offence, be imprisoned in the Fleet during the pleasure of the house. 2. That he shall undergo to the king, a fine of 1000l. 3. That he shall stand, with his neck in the pillory, in Cheap, with one of the said Petitions upon his head, at 11 in the forenoon. 4. That he shall make his humble submission and acknowledgment of his fault here at the bar, and also in chancery, unto the lord keeper, the first day of next term."—One David Waterhouse, who had penned the said Petition for Morley, was also fined 500l. and imprisoned during pleasure, &c. The printer was likewise punished, but in a milder manner.

*Both Houses present to the King a Memorial in Justification of the D. of Buckingham.*] March 24. The Lords went upon a further Justification of the duke of Buckingham, against the complaint of the Spanish ambassador to the king. And there having been a Memorial presented to his maj. by both houses concerning it, according to an order of the 27th Feb. last and the first of March, the Report of it was made to the house this day, by the Lord-Keeper, with the King's Answer to it, in manner following:

"May it may please your most excellent maj.; Your maj.'s most loyal subjects, the lords spiritual and temporal, the knights, citizens, and burgesses, assembled at this time, in both houses of parl. being informed of a Complaint made to your maj. against the lord duke of Buck. that, in the Narrative which, by your maj.'s command, he made to both houses, the 24th of Feb. last past, he should let fall some passages grievous to the honour of the king of Spain, and inferred to be of so high a nature, as, if the like had been spoke by any subject of that king against your maj. it would not have been otherwise expiated, than with the loss of his head that spoke it: Taking this into their serious consideration, and conceiving that this accusation doth, in an oblique line, fasten an aspersion upon themselves also, do, in all submission and humility, make to your maj. a threefold representation: 1st, concerning that king, they do, unanimously, absolutely acquit and clear the lord duke from letting fall any words, at all, derogatory to the honour of that king. 2 For that concerns my lord, they do, in the like humility, attest unto your maj. That if my lord duke had omitted any matter represented unto them that day, he had for so much failed in the performance of that duty and fidelity which he oweth unto your maj. to the business, and unto both houses. 3. For what concerneth themselves, they make bold, in like humility, to represent unto your maj. That they do much honour my lord the duke for that Narration, and do render unto him all possible thanks for the fidelity and industry expressed therein; and so, without your further trouble, do humbly beseech your maj. to interpret fair of this their Representation, which they held themselves bound to offer unto your maj. for the clearing of so eminent a person; who, as they verily believe, hath, in this negotiation, well-deserved of your maj. and the common-wealth.

This ended, the Lord Keeper proceeded thus in his report. "Now, my lords, concerning his maj.'s Speech; it is not to be expressed or reported, because it is a speech of affection as well as of narration, not possible to be uttered, but in the same words it was delivered: therefore, unless a man had Myron's art, 'qui animos hominum depinxisse dicitur,' who could paint to the life the souls and affections of men, he cannot do this as it should be done; for, as Livy said of Cicero, 'ad laudandum Ciceronem, altero Cicerone opus est,' there had need to be another Cicero to undertake the commending of Cicero; so, surely, he ought to have as large a heart as our gracious king, that will report his powerful and gracious expressions. I will therefore crave pardon of the house for delivering it in writing, very near the words and syllables in which it was pronounced; and, first, to be read once or twice, if your lordships please, to the house, and then to be entered in the Journal Book, as a record

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of no small comfort and consequence to the public: for I may, without flattery, which, for ought I know, I have been ever free from, declare, That such servants as these, 'sunt instrumenta boni sæculi,' are tools and instruments to carve out a brave and happy world to ensuing posterity, as Symmachus writes in one of his epistles."

*The King's Answer.*] This said, the lord keeper read his maj.'s Speech, out of a paper, in hæc verba:—"My lords and gentleman all; I might have reason to speak nothing in regard of the person whereof you speak, but, in regard of your motion, it were not civil; for if I be silent, I shall wrong neither myself, nor that nobleman which you now speak of, because he is well known to be such an one as stands in no need of a prolocutor, or fidejussor, to undertake for his fidelity, or well carrying of his business: and, indeed, to send a man upon so great an errand, whom I was not resolved to trust for the carriage thereof, were a fault in my discretion scarce compatible to the love and trust I bear him. It is an old and true saying, 'That he is a happy man that serves a good master;' and it is no less truth, That he is a happy master that enjoys a faithful servant. The greatest fault, if it be a fault, or at leastwise the greatest error, I hope he shall ever commit against me, was his desiring this Justification from you, as if he should have need of any justification from others towards me; and that for these reasons: first, because he, being my disciple and scholar, may be assured I will trust his own Relation. 2. Because he made the same Relation unto me, which he did afterwards unto both houses; so as I was formerly acquainted both with the matter and manner thereof; and if I should not trust him in the carriage, I was altogether unworthy of such a servant. He hath no Interest of his own in the business: he had ill thoughts at home for his going thither with my son, although it was my command, as I told you before: and now he hath as little thanks for his Relation on the other part; yet he that serveth God and a good master cannot miscarry for all this. I have noted in his negotiation these 3 remarkable things, faith, diligence, and discretion; whereof my son hath borne record unto me; yet I cannot deny, but, as he thought to do good service to his master, he hath given ill example to ambassadors in time to come, because he went this long journey upon his own charges. This would prove an ill example, if many of my ambassadors should take it for a precedent. He ran his head into the yoke with the people here for undertaking the journey, and when he there spent about 40 or 50,000l. never offered his account, nor made any demand for the same, or ever will. I hope other ambassadors will do so no more. I am a good master that never doubted of him; for I know him to be so good a scholar of mine, that I say, without vanity, he will not exceed his master's dictates; and I trust the report not the worse he made, because it is approved by you all; yet I believe an honest man as much as all the world, and the rather, because he was a disciple of mine. I am glad he has so well satisfied you, and thank you very heartily for taking it in so good part, as I find you have done."

When this Answer was also read, and ordered to be entered in the Journals, the duke of Buckingham stood up, and gave unto the lords his most hearty thanks for the great favour they had done him; and professed to their lordships, "That they had absolutely engaged him for the time to come, to employ all the power and favour, which he had in his maj.'s service, for the public good, and for the service of every one of their lordships, in particular, who should have occasion to make use of him. Concerning his Journey to Spain, it did not cost him so much as his maj. was pleased to name; yet, whatsoever it was, he might very well expend it in his maj.'s service, being but the produce of his bounty and goodness towards him. And, if his maj. should extend his liberality to any one of his ambassadors, in so large a proportion, they would be very unthankful, if they did not do as much for him as he had done."—The duke further declared, "That it was his maj.'s intent to send a present dispatch into Spain, in order to break off the two Treaties of the Match and the Palatinate, as was required by parl. with the reasons moving him thereto."

The Lords no sooner heard this latter part of the duke's Speech, than they sent a message to the Commons to desire an immediate conference with them, in order to communicate this pleasing news to that house. And joyful news it was to all England, as well as to the parl. The city of London, Rushworth tells us, testified their approbation of it by bonfires, ringing of bells, and other demonstrations of joy: but, as it is common in those cases, for the mob to exult too much, and carry their zeal too far, so, in this, they exceeded their bounds, as appears by the following abstract from the Journals. The king had published a Declaration of this breach with Spain the day before, which occasioned the rejoicings. And, this day, the duke of Buckingham signified to the lords, "That the people making bonfires, yesterday for joy of the king's Declaration, some of the servants of the Spanish ambassador looking out at them, were very uncivilly used." Therefore his grace moved their lordships to take this into their consideration, and redress the wrong done to a foreign ambassador. The house approved well of the duke's motion, and agreed, That if they could, by strict enquiry, which they intended to make, find out the offenders therein, they would cause them to be punished, according to the king's late proclamation, forbidding any abuses to be offered to ambassadors. And they further agreed to signify this to the Commons at the next conference.

*The King's declaration upon breaking off the Treaty with Spain.*] March 25. Easter

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now drawing nigh, the Lords agreed to a recess till April 1. In the mean time they appointed a committee to assist the king's secretaries, in that vacancy, in drawing up a Manifesto of this great affair; of which they also agreed to inform the Commons. The same day, a committee of Lords being returned from a conference with the Commons, the lord president read the king's Declaration, which he made two days before to a committee of both the houses; which was in these words:

"My Lords and Gentlemen; The last time I spake to you anent this great business, I told you what, in my opinion, was necessarily required for the beginning of it, the reasons whereof you have truly set down out of my last speech; wherein I shewed you what good it would do, and what harm it might free us from, to express particular aids at this time as well as general promises. It is true, I must confess, that how far you declare yourselves, is sufficient for the present entrance into the business, tho' a great deal short of what I told you it would require. But, as God bears me record, I never did stick for money, but only desired you to clear yourselves by particulars, that I may see how I may be able to go thro' so great a matter, at least to make a good beginning of the war; for what the end will be, God knows.—So, on the other part, I gave you thanks for your general offer, by which you did engage yourselves, in your lives and estates, which is more than forty Subsides, if you had named them, and more worth than a kingdom; for the strength of a king, next under the protection of God, stands in the hearts of his people. And I must need say, in this particular, it is without example, that ever any parliament, for a beginning, gave to a king so great a Supply to be levied in so short a time. This may well serve for a preparation: and, for my part, first, considering your general offer, (which is ten tunes more to me than all Subsidies) and, next, considering that these particulars, coming from you, be as much as at once you are able to pay in so short a time, being within a year, and as much as may be well expected; therefore, with as much love, and as great thanks, as a loving and kind king can give to so loving and dutiful people, I thank you for your offer, and do accept it. I told you before, that I would never have craved your advice to reject it, and so put a scorn upon you: think me not that man.—It is true, I think no wise king can undertake so great a bargain, but he must well bethink himself before-hand: and I account it better that a king advise well before he take a resolution, than advise rashly, and after repent. Therefore I declare unto you, That as I am willing to follow your advice in the annulling and breach of the two Treaties, both of the Match and of the Palatinate; so, on the other part, I assure myself, you will make good what you have said, That what you advise me unto, you will assist me in, with your wisdom, and council, and forces, if need require.—I pray you have a charitable opinion of me, as you are to have of a king who hath so long ruled and governed over you; and I may vaunt myself thus far to have done it with justice and peace: but, as I told you before, all my forbearance hath been for sparing the effusion of Christian blood, and as the most easy and probable way for recovering the Palatinate for my children. It is true I have been so long delayed and paid with generals, that I dare not longer trust unto them; which made me enjoin Buckingham to make a particular Relation unto you of all that business, (and I am sure such an Account was never before given in parl.) that thereby you may know what to trust to. I could, in this case, have resolved myself; but, I thought it could not but be both a strength and honour to me to have the advice of my people. My lords: In the late parl. I then declared it unto you, that I was resolved, without respect of friendship, or match, or whatsoever, to have the Palatinate one way or other. I hope you remember it.—God is my Judge and Saviour I never had any other end, and it is pity I should live to have any other end; and, for my part, except, by such means as God may put into my hands, I may recover the Palatinate, I could wish never to have been born. I am old, but mine only son is young, and I will promise for myself and him both, that no means shall be unused for the recovery of it. And this I dare say, as old as I am, if it might do good to the business, I would go in my own person, and think my labour and travel well bestowed, tho' I should end my days there: for if I should spare any means possible for the recovery of it, then let me be thought not worthy to reign over you; and, in good faith, I never resolved to live with other mind. And, I will say more, there was never any enemy of my son-in-law, with whom I talk'd of that business, or any that ever I spake with of the same, which did not say, and confess, I had reason to have the Palatinate, one way or other: And when they say that it is good reason, and themselves allowed it, it is a good spur to me to think on it.—My lords and gentlemen, thus far assure yourselves, I will go chearfully about it, to prepare all things possible for it; and as you have given me the means, so will I employ them toward it.—In the next degree, I hope you will think of me; but that I leave to your own counsel and consideration: but, I protest to God, a penny of this money shall not be bestowed but upon this work, and by your own committees: and, I assure myself, you will think of me for a double reason, my Customs are likely to fall, by occasion of the war, and my Charges increase; but, undertaking the war, I must go thro' with it one way or other, tho' I sell my jewels and all. In the next session you will consider how this hath been husbanded, and, according to that, think what is next to be done; and it will spur you the more to enable me for the rest, whereof I speak to you before. I will clear you in some things (for I will not deal with you in any thing but fairly and clearly as a king): tho' I have broken the necks of

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three parliaments, one after another, I hope that, in this parl. you shall be so resolved of the sincerity of my heart, and of your duties and affections, that this shall be a happy parl. and make me greater and happier than any king of England ever was.—In my last speech I promised you, that if I accepted your offer, I would follow your advice, and would not after hearken to any treaty of peace, without first acquainting you, and requiring your advice; and I likewise promised nothing should be spent of your monies but by your own committees: but I desire you to understand, that I must have a faithful and secret Council of War, that must not be ordered by a multitude, (for so my designs may be discovered before-hand) and one penny of this money shall not be bestowed but in sight of your own committees. But where I shall send 20,000l. or 10,000l. whether by sea, or land, east or west, by diversion, or otherwise, by invasion upon the Bavarian or emperor, you must leave that to your king.—Assure yourselves my delay hitherto was upon hope to have gotten it without a war. I held it by a hair, hoping to have gotten it by a treaty; but, since I see no certainty that way, I hope that God, who hath put it into your hearts thus to advise me, and into my heart to follow your advice, will so bless it, that I shall clear my reputation from obloquy; and, in despight of the devil and all his instruments, shew that I never had but an honest heart: and I desire that God would bless our labours for the happy restitution of my children; and whosoever did the wrong, I deserved better at their hands."

*The Lords desire a Conference in regard to the Supply.*] April 1. The duke of Buckingham informed the house, "That he had been to take a view of the Navy, according to his place of high admiral. He told them likewise that he had certain information from abroad, that the king of Spain had then in readiness a far greater and stronger navy than that in 1588: that, at Dunkirk, he had already built 100 flat bottoms: that they had taken many of our men upon our own shores, and out of our own harbours: Therefore he moved, "That since the two houses had agreed to give a Supply to the assistance of this great business in hand, tho' the grant thereof be not yet passed into an act, that the same may be so handled as to be useful; which will not be, if the time be now neglected, or this month and the next overslipp'd: wherefore the duke further moved, That a meeting might be instantly prayed with the commons to propose to them, that certain monied men might be dealt with, to disburse such a sum as was requisite for the present use, the repayment of which to be secured by parl. out of the Subsidies intended in the grant, according to what had been heretofore done in the like cases. Concluding, That he doubted not but some would be found to disburse the same upon that security." A message was immediately dispatched to the Commons to inform them, That the Lords had a business of importance to communicate to them, and therefore desired a speedy conference. Their Answer was, That they would attend their lordships pleasure.—The committee of Lords being return'd from the conference, the house received a message from the commons, importing, "That they had taken the proposition made to them, at the last meeting, into serious consideration; but, because many of their members were not yet come to town, and the matter is of such importance, they have deferred, for a time, to come to a resolution; but, as soon as possibly they could, they would attend their lordships with their Answer."

*Conduct of the Lord Treasurer, Middlesex, aspersed.*] April 2. The abp. of Canterbury reported, That, in a committee appointed to examine the Stores and Ammunitions of War, some speeches had past, the day before, which concerned the honour of a Lord of that House; and that the said lord desired examinations might be taken, upon oath, for the clearing thereof. Whereupon the house ordered, That a sub-committee should be constituted to take such examinations, and the witnesses to be sworn in court. Also, That the following officers of the crown should be sent for, to be examined on oath, relating to this affair, viz. sir Edw. Wardour, clerk of the pells, sir Rob. Pye, sir Tho. Mounson, sir Tho. Dallison, sir Rd. Morrison, sir John Keyes, sir A. Ingram, sir Tho. Cook, sir Tho. Morris, clerk of the ordnance, and sir John Male.

*The Commons propose a Petition against Recusants.*] April 3. The Lords received a Message from the Commons to this effect, "That they desired a conference with their lordships about a Petition they had drawn up to be presented to his maj. touching Popish Recusants, to which they desired the concurrence of that house." Hereupon a committee was appointed, and, being returned, the Petition was read to the whole house; but their lordships took time to consider of it, before they would come to any resolution about it.

April 4. This business was resumed; and, to the end the Lords might more freely debate the matter, the house was adjourned ad libitum, the lord keeper removing to his due place, on the earls bench: and the preface to the Petition being again read, the Lords debated, Whether a short induction was not fitter to be used, that the reasons for the Petition might be a part by itself, and not delivered at all, unless his maj. demanded the same, as was delivered in the Advice to the king, the 5th of March last, to dissolve the two Treaties. The other parts of the Petition being also read, it was debated, Whether any more was requisite to be desired of his maj. than the execution of the laws now in force against Recusants, lest it should be noised they were beginning a persecution; but they came to no resolution about it at this time, only agreed to defer the further consideration of it till next day. The Petition itself, as drawn up by the Commons, follows in these words:

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"May it please your most Excellent Majesty, We your maj.'s most humble and loyal subjects, the lords and commons in this present parl. assembled, having, to our singular comfort, received your princely resolution, upon our humble petition, to dissolve the two Treaties of the Match and of the Palatinate; and having, on our parts, with all alacrity and readiness, humbly offered our assistance to your maj. to maintain the war which may ensue thereupon: yet, withal, sensibly finding what seditious and traiterous positions those incendiaries of Rome, and professed engines of Spain, the priests and jesuits, infuse into your natural-born subjects; what numbers they have seduced, and do daily seduce, to make their dependance on the pope of Rome and king of Spain, contrary to their allegiance to your maj. their liege lord; what daily resort of priests and jesuits into your kingdoms; what concourse of Popish recusants, much more than usual, is now in and about the city of London; what boldness, yea, what insolency they have discovered out of the opinion conceived of their foreign patronage: what public resort to masses, and other exercises of the Popish religious, in the houses of foreign ambassadors there is daily, to the great grief and offence of your good subjects; what great preparations are made in Spain, fit for an invasion, the bent, whereof is as probable to be upon some part of your maj.'s dominions as upon any other place; what encouragement that may be to your enemies, and the enemies of your crown, to have a party, or but the opinion of a party, within your kingdoms, who daily increase and combine themselves together for that purpose; what disheartening of your good and loving subjects, when they shall see more cause of fear from their false hearted countrymen at home, than from their professed adversaries abroad; what apparent dangers, by God's providence and your maj.'s wisdom and goodness, they have very lately escaped, which the longer continuance upon these Treaties, upon such unfitting conditions, fomented by your own ill-affected subjects, would surely have drawn upon your maj. and your state; do, in all humbleness, offer unto your sacred maj. these their humble petitions following:—"I. That all jesuits and seminary priests, and all others, having taken orders by any authority derived from the see of Rome, may, by your maj.'s proclamation, be commanded forthwith to depart out of this realm, and all other your highness's dominions; and neither they, nor any other, to return or come hither again, upon peril of the severest penalties of the laws now in force against them; and that all your maj.'s subjects may hereby also be admonished not to receive, entertain, comfort, or conceal any of that viperous brood, upon penalties and forfeitures, which, by the laws, may be inposed upon them.—II. That your maj. would be pleased to give streight and speedy charge to the justices of peace in all parts of this kingdom, that (according to the laws in that behalf made, and the orders taken by your maj.'s privy council heretofore for policy of state) they do take from all Popish recusants, legally convicted, or justly suspected, all such armour, gunpowder, and munition of any kind, as any of them have either in their own hands, or in the hands of any other for them, and to see the same safely kept and disposed according to the law, leaving for the necessary defence of their house and persons, so much as by the law is prescribed.—III. That your maj. will please to command all Popish recusants, and all others, who, by any law or statute, are prohibited to come to the king's court, forthwith, under pain of your heavy displeasure, and severe execution of your laws against them, to retire themselves, their wives, and families, from or about London, to their several dwellings, or places, by your laws appointed; and there to remain confined within five miles of their dwelling-places, according to the laws of this your realm: and, for that purpose, to discharge all bypast licences granted unto them for their repair thither; and that they presume not any time hereafter to repair to London, or within ten miles of London, or to the king's court, or to the prince's court wheresoever.—IV. That your majesty would forbid and restrain the great resort and concourse of your own subjects, for the hearing of mass, or other exercises of the Romish religion, to the houses of foreign ambassadors, or agents, residing here, for the service of their several princes or states.—V. That where of late, in several counties in this realm, some have been trusted in places of lord lieutenants, deputy-lieutenants, commissioners of Oyer and Terminer, justices of peace, and captains of their countries, which are either Popish recusants or non-communicants, by the space of a year last past, or which do not usually resort to the church to divine service, and can bring no good certificate thereof, that your maj. would be pleased to discharge them from these places of trust, by which they have that power in the country where they live, as is not fit to be put into the hands of persons so affected.—VI. That your maj. would be pleased, generally, to put the laws in due execution, which are made, and stand in force against Popish recusants; and that all your judges, justices, and ministers of justice, to whose care these things are committed, may, by your maj.'s proclamation, be commanded to do their duty therein.—VII. That, seeing we are thus happily delivered from that danger which these treaties, now dissolved, and that use which your ill-affected subjects made thereof, would certainly have drawn upon us; and cannot but foresee and fear lest the like may hereafter happen, and inevitably bring such peril to your maj.'s kingdoms; we are most humble suitors to your gracious maj. to secure the hearts of your good subjects by the engagement of your royal word unto them, that, upon no occasion of marriage or treaty, or other request in that behalf from any foreign prince or state whatsoever, you

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will take off or slacken the execution of your laws against Popish recusants.—To which our humble petitions, proceeding from our most loyal and dutiful affections toward your maj. our care of our country's good, and our confident persuasion that this will much advance the glory of Almighty God, the everlasting honour of your maj. the safety of your kingdom, and the encouragement of all your good subjects, we do most humbly beseech your maj. to vouchsafe a gracious Answer."

*The Lord Treasurer, Middlesex, complains of a Plot against him.*] It now appears who the noble lord was whose conduct was objected to in yesterday's proceedings; for, some orders being made this day, relating to the sittings of the committee on Munitions, Stores, &c. we are told, by the Journal, that the Lord Treasurer stood up and said, "That he would desire no favour but expedition; and, when they had done, his lordship would shew a dangerous plot, conspiracy and combination against him; which, if it was suffered, no man would be in safety in his place."

*The joint Petition of both Houses for Execution of the Laws against Jesuits, &c.*]—April 6. The lords and commons, after many conferences about it, at length agreed upon the following Petition instead of the former one: "May it please your most excellent maj. It having pleased your maj. upon our humble suit and advice, to dissolve both the Treaties, to our great joy and comfort, we, the lords and commons assembled in parl. do, in all humbleness, offer to your sacred maj. these two Petitions following: 1st, That for the more safety of your realms, and better keeping of your subjects in their due obedience, and other important reasons of state, your maj. will be pleased, by by some such course as your maj. shall think fit, to give present order, That all the laws be put in due execution, that have been made, and do stand in force against Jesuits and seminary Priests, and all others that have taken orders by authority derived from the see of Rome, and generally against all Popish Recusants; and as for disarming them, that it may be according to the laws, and according to former acts and directions of state in the like case: and yet, that it may appear to all the world, the favour and clemency your majesty useth towards all your subjects, of what condition soever; and to the intent the jesuits and priests, now in the realm, may not pretend to be surprized, that a speedy and certain day may be prefixed by your maj.'s proclamation, before which day they shall depart out of your realm, and all other your highness's dominions; and neither they nor any other, to return or come hither again, upon the severest penalties of the laws now in force against them; and that all your maj.'s subjects may be thereby also admonished not to receive, entertain, comfort, or conceal any of them, upon the penalties and forfeitures which, by the laws, may be imposed upon them: 2nd, Seeing we are thus happily delivered from that danger, which these Treaties, now dissolved, and that use which your ill-affected subjects made thereof, would certainly have drawn upon us; and yet cannot but foresee and fear least the like may hereafter happen, which will inevitably bring such perils into your maj.'s kingdoms, we are most humble suitors to your gracious maj. to secure the hearts of your good subjects, by the engagement of your royal word unto them, That, upon no occasion of marriage, or treaty, or other requisite in that behalf, from any foreign prince or state whatsoever, you will take away or slacken the execution of your laws against jesuits, priests, and popish recusants. To which our humble Petitions, we do most humbly beseech your maj. to vouchsafe a gracious Answer."

*The King's Answer.*] This second Petition was presented to the king by a committee of both houses, on the 23rd of April; and, the next day, the abp. of Canterbury reported to the Lords; That, after his maj. had heard the same read, he gave the following most gracious Answer:

"My lords and gentlemen; Although I cannot but commend your zeal in offering this Petition to me; yet, on the other side, I cannot but hold myself unfortunate, that I should be thought to need a spur to do that which my conscience and duty binds me unto. What religion I am of, my books do declare, my profession and behaviour doth shew; and, I hope in God, I shall never live to be thought otherwise; sure I am I shall never deserve it: and; for my part, I wish it may be written in marble and remain to posterity as a mark upon me, when I shall swerve from my religion; for he that doth dissemble with God is not to be trusted of men.—My lords, for my part, I protest before God, that my heart hath bled when I have heard of the increase of Popery: God is my judge, it hath been such a great grief to me, that it hath been as thorns in my eyes, and pricks in my sides; and so far I have been, and shall be from turning any other way. And, my lords and gentl. you shall be my confessors, that if I knew one way better than another to hinder the growth of Popery, I would take it; for, knowing what I do, and being persuaded what I am, I could not be an honest man and do otherwise. And this I may say further, That if I be not a martyr, I am sure I am a confessor: and, in some sense, I may be called a martyr, as, in scripture, Isaac was persecuted by Ishmael by mocking words; for never king suffered more by ill tongues than I have done, and, I am sure, for no cause; yet I have been far from persecution, for I have ever thought that no way more encreased any religion than persecution, according to that saying, 'sanguis martyrum est semen ecclesiæ.'—Now, my lords and gent. I will not only grant the substance of what you crave, but add somewhat more of my own; for the two Treaties being already annulled, as I have declared them to be, it necessarily follows of itself that which you desire; and therefore it needs no more, but that I do



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declare, by proclamation, which I am ready to do, that all jesuits and priests do depart by a day; but it cannot be, as you desire, by our proclamation, to be out of all my dominions; for a proclamation here extends but to this kingdom. This I will do, and more; I will command all my judges, when they go their circuits, to keep the same courses, for putting all the laws in execution against Recusants, as they were wont to do before these Treaties; for the laws are still in force, and were never dispensed with by me: God is my judge, they were never so intended by me; but, as I told you in the beginning of the parl. you must give me leave, as a good horseman, sometimes to use the reins, and not always to use the spurs: So now there needs nothing but my Declaration; and, for the disarming of them, that is already provided for by the laws, and shall be done as you desire: and more, I will take order for the shameful disorder of the resorting of my subjects to all foreign ambassadors: for this I will advise with my council how it may be best reformed: it is true that the houses of ambassadors are privileged places; and tho' they cannot take them out of their houses, yet the lord mayor and mr. Recorder of London may take some of them as they come from thence, and make them examples. Another point I will add concerning the education of their children; of which I have had a principal care, as my lord of Canterbury, and the bishop of Winchester, and other lords of my council, and, indeed, all my council, can bear me witness, with whom I have advised about this business; for, in good faith, it is a shame their children should be bred here, as if they were brought up in Madrid or at Rome, so I do grant not only your desire, but more. I am sorry I was not the first mover of it to you; but had you not done it, I would have done it myself.—Now, for the second part of your Petition, you have here given me the best advice in the world; for it is against the rule of wisdom that a king should suffer any of his subjects to be holding and depending on any other prince than himself; for what hath any king to do with the laws and subjects of another kingdom? therefore assure yourselves, that, by the grace of God, I will be careful that no such conditions be foisted in upon any other treaty whatsoever; for it is fit my subjects should stand or fall by their own laws."

### PROCEEDINGS ON THE IMPEACHMENT OF THE LORD TREASURER, MIDDLESEX.

We now enter upon an affair of a very extraordinary nature, wherein one of the principal officers of the crown was charged with high crimes and misdemeanors. The whole of the proceedings on this important Trial are preserved at length in the 3rd volume of the Lords Journals, from which we have made the following faithful abridgment:

April 8. The Lords received from the Commons, the following message: That whereas they yesterday sent to desire a conference with them, for the better accommodating the bill of Monopolies, to be this morning at nine, which their house intended to have done accordingly: but, that now a great and weighty Affair, as ever yet came before them, intervening; and many of their committee being employed in the examination and enquiry thereof, who were formerly appointed to attend their lordships at this conference, they humbly desire to be spared at this time, and they will attend at any other which their lordships shall appoint."

April 9. The Lords being reminded of the words used by the Lord Treasurer, April 5. of "a dangerous plot, conspiracy, and combination against him;" and because the words were doubtful and generally spoken, his lordship was required to name the parties that had so conspired against him; for, otherwise, an imputation might rest upon that house, or some of the members, there being, at that time, a Committee on Munitions, &c. who had taken divers Examinations concerning his lordship as lord treasurer.—Whereupon his ldp. cleared the house, absolutely, from any combination against him; and further protested, that at that time, he did not name or mean any member of that house.

April 12th. A message came from the Commons in order to put off the intended conference again; because they said, That a lord of that house had desired to be heard, by his counsel, in theirs in the afternoon; which they had yielded to. On this a motion was made to consider, that it might trench deep into their privileges, for a lord of that house to answer an accusation in the house of commons, either by his counsel, or by sending his answer in writing. But, upon the humble request of the lord treasurer, the house gave him leave to send his Answer to the complaint of the Commons if he pleased. However, an order was made, "That no lord of that house shall hereafter without licence, answer any complaint in the house of commons, either in person or by his counsel." Then the abp. of Canterbury reported, That a committee being appointed to consider of the Stores, Munitions, &c. somewhat had happened in their examination thereof, which touched the honour of the lord treasurer. Whereupon the said lord desired, that the utmost truth thereof might be enquired into. Accordingly witnesses had been sworn here, and a sub-committee appointed to take their examinations; which, being reduced into writing, his grace delivered to be read. But, before that was done, the Lord Keeper signified to the house that he had received a Petition from sir Tho. Dallison, delivered unto him by a member of this house, who desired it might be read before the said Report. Which Petition was addressed. "To the right hon. the lords spiritual and temporal in parliament assembled," and ran in these words:

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"The humble Petition of sir Tho. Dallison, son of sir Roger Dallison, knt. and bart. deceased.

"Whereas there was an Examination, before a committee of your honours, concerning the lands of his said father, compounded for with my lord treasurer; whereupon there is an Account given to your lordships, by one Mayle, a scrivener, on his lordship's behalf, of 26,000l. or thereabouts, to be given by the said lord treasurer for the said lands, as Mayle reported; now, for that this petitioner and his mother were forced out of their estate therein by his ldp. for a very small matter, by colour of his maj.'s extent; and is able to make appear to your lordships that there hath not been much more than half the sum of 26,000l. really, either in money or money's worth, given for the same by his lordship; and for that the said lands are of far greater value; and this petitioner ought, in all equity, to have the benefit of compounding his father's debts, and the benefit that should accrue by the surplusage of the estate: he most humbly desireth your honours to stay the Report, and grant your petitioner a copy of the account before the same pass from the lords of the committee; and that your petitioner may be allowed to make such just exceptions thereunto, as to the honourable lords of the committee shall seem reasonable.—Tho. Dallison."

A motion was made, Whether by the orders of the house, the lord treasurer may be present when the Report is read; because the same concerns his honour? It was agreed, That he might be present, at the first reading, but not when the same shall be debated by the house. —Then the attorney general read the Report in hæc verba:

"The State of the Business referred to the Sub-Committee for Munitions, &c.

"On the 28th of May, 6 Jac. 1608, a privy-seal was directed to the lord treasurer and under treasurer of the exchequer, for the time being, for the issuing out such sums of money, not exceeding 6000l. per ann. as by quarter-books should appear to be due to the office of Ordnance for Wages or Provisions.—The allowance was duly paid until the 1st of April 1614; but then, or shortly after, by the default of sir Roger Dallison and the officers of the exchequer, sundry payments were unorderly made, whereby the office was unfurnished; and Dallison, who had received those moneys and not employed them as he ought, became indebted in great arrears to his maj. —Upon complaint whereof, in Nov. 1617, his maj. made a reference to divers lords of the council; who, in Dec. 1617, returned under their hands a proposition of Supply, estimated at 54,078l. 8s. 8d.—In February 1619, his maj.'s commission was awarded to the commissioners for the navy, whereof the now lord treasurer was one of the chief, to survey the Office of Ordnance: and they, in July 1620, made a Return hereof to the council, with their opinions how the Magazines might be furnished with a present supply of 13,640l. 14s. 2d.; how the ordinary allowance of 6000l. per ann. might be reduced to 3000l. and how by cutting off many unnecessary charges and other means, his maj. might have yearly near 10,000l. And those propositions made by them, in Michaelmas term 1620, received allowance from the lords, and, at last, from his maj. himself.—In Dec. 1620, the lord visc. Mandeville became Treasurer; and, in May 1621, a privy-seal was drawn by the officers of the Ordnance, for settling the said 3000l. yearly, and for payment of the said 13,640l. 14s. 2d. But the same, being considered of by the commissioners of the navy, was rejected, because it swerved from their propositions; and so, the lord Mandeville leaving the treasurership about Michaelmas 1621, nothing was done. In Oct. 1621, the earl of Middlesex became lord treasurer, and having continued in that place 2 years and 6 months, in all that time none of the three establishments, viz. that of 6 Jac. by the dormant privy-seal; that of 1617 by the lords; nor that of the commissioners of the navy in 1620, have been observed; whereas, if that of the commissioners of the navy (being the least chargeable to his maj. and in which the lord treasurer himself was principal agent,) had been observed, it is conceived, that the Stores had been in much better case, and a course had therein been settled to have retrenched a needless charge of near 10,000l. per ann. as aforesaid.—And whereas, in April 1621, a contract was made with mr. Evelyn, to serve his maj. yearly with 80 lasts of Powder, at 7d. per lb. the want of the payment of about 500l. a month, hath deprived his maj. of the benefit of that contract; which, for 20 months of the time since that contract, hath been forborn for want of payment; which 20 months proportion, if it had been served in, there would have been in store at this present above 260 lasts of Powder, besides 60 lasts of Salt-Petre, which would have made 80 lasts of Powder more: but, by the want of due payment, not only the store is unfurnished of so considerable a proportion, but his maj. it is conceived further, hath lost the benefit of 3d. in every lb. of 80 lasts, which hath been sold to the subject, amounting to 4050l. or thereabouts.—And whereas it was intimated, that the lord treasurer hath made other payments, less importing the public, to the said Office of Ordnance for old arrears; which have a dependency upon another point referred to the sub-committees, touching the lands and debts of sir Roger Dallison: It appears that 28 July 1621, which was about 2 months before the earl of Middlesex became treasurer, he made an agreement with the officers of the Ordnance for buying their extent and interest in the lands of sir Roger Dallison and sir Tho. Mounson, which they had by assignment from his majesty for a debt of 13,062l. and thereby his ldp. did agree, so soon as conveniently he might, to do his best endeavour to procure from his maj. a cer-

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tain assignment and order for the payment of the sum of 3000l. to the use of the servants and creditors of the office of Ordnance, before the last day of Nov. next, for and towards the payment and clearing of all such sums of money, as, by the pay books of the said office, should appear to be due unto them, over and above the said 13,062l. and his ldp. was, before the same last of Nov. to pay them 1062l. and, at the Annunciation, in the year 1623, 500l. and afterwards, 500l. half-yearly, till the 13,062l. were paid: but his ldp. before the prefixed last of Nov. becoming lord treasurer, did not procure any such order or assignment from his maj.; but, by warrant of the first-mentioned dormant privy-seal of 6 Jac. did, in the first Michaelmas term after he became treasurer, and the two terms of Easter and Michaelmas following, (being all within a little more than a year after his becoming treasurer) pay to them 9151l. of arrears due to the office; and hath, at other times since, paid to them other sums; which make up the former payment of 19,034l. 8s. 11d. whereof was paid since the beginning of this parl. 2180l. 11s. 2d. And touching the payment, which, by the aforesaid agreement, his ldp. was to make unto them of his own money, it appeareth that, upon a second payment, those payments due from him were discharged; and, in lieu thereof, his ldp. assigned to them his part in the petty-farms of the Wines and Currants; which they estimated to be worth for the first two years 1000l. per ann. and for 7 years after 1400l. per ann. and odd pounds. It also appeareth, that about the same time when he made the said agreement with the officers, he bargained with sir Tho. Mounson for his estate in Dallison's lands; for which he agreed to give him 3000l. in money, the making of six baronets, and some fit suit from his maj. when sir Tho. could find it. This 3000l. was duly paid by his ldp.; and then it was agreed that the baronets were not to proceed, but, in lieu thereof, his ldp. gave way to a suit, which sir Tho. made to his maj. for the benefit of compounding with the copyholders of Wakefield, for reducing their fines to a certainty; which his ldp. did estimate at 2000l. and promised him further recompence; yet sir Tho. Mounson affirms, He had neither benefit thereby, nor further recompence.—In this bargain, nevertheless, there are some things favourable for the lord treasurer, especially two. 1st, That, by this bargain, his maj. is freed from all future demands from the officers of the Ordnance, concerning the debt of 13,062l. owing by Dallison; which his maj. upon the assigning those extents, had covenanted to satisfy, in case the incumbrances should hinder them of satisfaction; and this appeareth to be true. 2ndly, some intimation hath been, that this bargain was no bargain of advantage, but of loss to the lord treasurer; and therefore not probable that he should have undertaken, but for his maj.'s service, and the good of the office. And touching this point, it appears, by the good testimony of sir Tho. Dallison, that, before the troubles of his father, the lands and leases being of about 60 years to come, bought by the lord treasurer, were rented at 1500l. per ann. or thereabouts; whereof the lease-lands are about 300l. per ann.: and that, besides the recompence given to the officers of Ordnance and sir Tho. Mounson, there is allowed to him and his mother, for clearing their interests, 200l. per ann. for their lives: but sir Arthur Ingram offereth to let the whole, for 40 or 50 years, or any other reasonable time, at 1100l. per ann. And it appears, by the testimony of him and mr. Mayle that the lands were incumbered with an annuity of 200l. per ann. to mr. Beddingfield for life; for which, and the arrears, about 1200l. hath been given, by way of computation; and with 140l. to mr. Smith for life, for which, and the arrears, hath been given, by way of composition, about the value of 800l. and with an assurance, on the part of sir R. Smith and sir J. Davey, for which is to be given 3000l. besides many other incumbrances not yet brought in. But the certainty thereof appears not, nor that any of them, of any considerable value, are precedent to sir Roger Dallison's becoming officer."

This Report being read, the lord treasurer put the house in mind of the imputation laid on him by sir Rob. Pye, some time since, touching the extent of sir Roger Dallison's lands; and that therein they had desired witnessed to be sworn and examined, and he hoped he had fully satisfied their lordships in that cause. But, as for any other matter relating to the Ordnance, Munitions, &c. they never came into his thoughts, as yet, what Answer to make; wherefore he desired he might have a copy thereof, in writing, with liberty to examine his witnesses, and he would answer the same fully in writing. He also desired that his actions might not be examined by pieces, but totally and together; and then he doubted not but that his care, touching the Store for Munitions, &c. would appear to be such that their lordships will clear his honour therein. This being said, the lord treasurer left the house whilst the matter of the Report was in debate. After some time spent therein, it was agreed, That another committee should be appointed to draw up the Heads of a Charge against the lord treasurer, out of a brief of the last Report, and Examinations taken by the former committee.

April 15. A message was brought from the Commons to this effect; "That whereas they had received divers and sundry complaints against a member of that house, which are of a high and grievous nature, they desire a conference thereon to impart the same to their lordships. This was agreed to by the lords.

*Report of a Conference between both Houses on a Complaint against the Lord Treasurer.*] Ap. 16. The Lord Keeper reported the said conference held the day before, between the two houses, in this manner: At this conference, sir Edw. Coke, on the behalf of the Commons, shewed, "That in their inquisition the Commons had

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met with, what they scarce ever found before, many great exorbitancies and heinous offences, against a member of this house, the earl of Middlesex, the lord treasurer; and they found him guilty after a strange manner; for, in all their house, not one man said "No, but concluded against him *nem. con.*"—Sir Edw. said further, "The house had appointed him to present 3 Enormities to their lordships, much against his mind; others being far more sufficient, as well in regard of his great years, as of other accidents; yet, he said, he would do it truly, plainly and shortly. There were two great offences in general, which they had distributed into two parts; one of which should be represented by him, and the other by his colleague. That which he should speak to was to consist of two charges. The 1st, gross and sordid Bribery. The 2nd, for procuring the good Orders of the Court of Wards to be altered: for that this was done by his principal procurement, to the deceit of the king, oppression of the subject, and the enriching of his own servants. He would begin with presenting to their lordships the Bribery. Here he craved favour if he should seem long in touching some circumstances; for circumstances to things, he said, were like shadows to pictures, to set them out in fuller representations; but herein he promised to observe seriem temporis.

"The first Charge against the Lord Treasurer for Bribery, opened by Sir Edw. Coke.

"By the lord treasurer's privity (for it concerned his ssill properly which was merchandise) a lease of the subsidy and imposts of the French Wines, was lett to the farmers of the petty farm, 17 Jac. at 44,000l. yearly rent, and for 50,000l. fine; with a covenant from the king, that no more impost should be laid during their lease; because that they knew that the impost would overthrow their trade. Yet the farmers were not content with this covenant for their money and their trade, (for money is their plow, and trade their life) they desire the addition of the king's word for this covenant. Accordingly they had access to the king, and the covenant was confirmed and repeated by him, 'verbo regio,' in the presence of the lord treasurer. Then they thought themselves 'in tuto,' and that they did 'in portu navigare,' free from all storms and tempests. But behold anno 1621, the first thing my lord did in his office, was the laying of an extreme impost of 3l. per ton upon the French Wines, which the king, by reason of his covenant, could not, and, by reason of his word, would not surely do. This imposition was against justice, the covenant, and the honour of the king. The king, surely, had he been rightly informed, would never have done it. Upon this the trade sank, and they became suitors to his ldp. for relief, for 10 months together; but with no success. In Michaelmas, 1622, they petitioned his lordship that the trade was overburdened, and themselves quite undone. It is a rule, that a commodity overburdened enricheth not the king, but quite destroyeth the trade; but hereof they have no success.—Then they prefer a bill of right against the king in the exchequer, because of the breach of covenant: but to this they could obtain no answer in Michaelmas term. The king's attorney knew well enough of the bill, but could not for his heart devise an answer for it.—In December 22, 1622, the term is out, they are out of their money, and the trade is gone. They appeal, therefore to the fountain of justice, the king's maj. The king is very gracious to them, and said, God forbid that any man should lose by him. He knew nothing of this. It was the lord treasurer's act and device. And so his maj. allowed them a deduction of 9500l. to be made to them in 9 years time. Well, 'verba sunt hæc;' these were but good and gracious words, but filled not their purses: they must have a warrant from the lord treasurer to put this favour of the king's into a public act; and this they could not obtain from Dec. to the end of June. The men understand themselves very well, and look about them how this stay comes: one of them tells another, the business sticks, my lord looks for somewhat: and the man was in the right, for so the sequel proved. A 500l. Bribe was paid to Jacob for my lord's use, and straightway all was well; the warrant went current, and all was passing well.—One thing remarkable: This was taken out of the petty farms, set down in their monthly and yearly books, and called a gratuity 'speciosaque nomina culpæ.' Some great space after this, there was a voice of a parliament (Oh! said sir Edw. parliaments work wonderful things). Then the lord treasurer began to cast a circle, and fall to his conjuring. He calls upon Jacob, and commands him to transfer it to the great farm. Here was observed, that 'suppressio veri,' is, in law, an argument of guilt. Here sir Edw. also observed, (in a parenthesis) That is a blessed thing of those that love parliaments; and that surely this lord, of all others, loved them not; because he cast himself into dark mists, when he should meet them; 'nescio quid peccati portat ista purgatio.' This argues much guiltiness.—Then he nominated his Witnesses; which, he said, were without exception. This bribe is proved by Hide, Daws, Bishop, and by Jacob: the last is a witness with a witness. For Jacob blanched this bribe as well as he could, and was taken in three notorious falsities. 1. Being charged, that the money was delivered to him by Hide, he vowed he had never received it; yet, being confronted with Hide, he confessed it: there was one. 2. He pretended he had received the money, but gave his bond for it. Hide affirming to his face, the bond was for other money, and no bond at all for this; then he likewise confessed this: there were two. 3. He said he never had any warrant to enter the same in the petty farm; yet, afterwards, he avowed he had: and this is the third falsity.—Here sir Edw. observed, That Jacob was my

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lord's necessary creature and petty chapman, and had a son that was his secretary; and, because he was a Jacob, that is, a supplanter, he desired their lordships to take good care of him.—About the beginning of this parl. my lord sent for this Jacob; asked him, if he had entered this money in the petty farm? he said Yea. Then said my lord, go about it presently, and see that the cocquets, and all things else, be suppressed in the petty farms, and that this money be removed to the great farm; for I would have all bid and suppressed.—Here sir Edw. observed, That sordid Bribery is like Adam, and would fain get some fig leaves, if it could tell but where to gather them.—Upon the delivery of this Charge (as was desired by his friends) to the lord treasurer, they of the Commons expected an Answer of some rare wit; for so this nobleman was reputed in that house: but his ldp. deceived their expectation; for he declared it was utterly, in every point, he would not say false, but surely untrue. Four things he denied as he was a Christian; and these were all directly proved and made good against him. And so much was delivered against the first Bribe.—The second Bribe was of a strange strain: and both these bribes were received by him in the quality of a treasurer. The farmers of the Great Customs were to renew their farms, and put in security of 48,000l. rent, July 29, 1622. Here sir Edw. said he would not enlarge himself; for the business lay in a narrow room. The bribe is the point. My lord liked the sureties well; but some of them fell off, and he would not accept of the rest; and 7500l. of the rent was reserved for a year and a quarter. After delay of their lease, and 500l. in gold paid unto him by the hands of Jacob, then the security formerly rejected was now accepted: which act of his ldp. the knight confuted by this syllogism. The sureties were sufficient, or insufficient; if sufficient, the Bribe was too much, and the farmers oppressed; if insufficient, the Bribe was too little, and the king was cozened. The second Bribe was proved by Wolstenholme, Garraway, Williams and, if you please, Abraham Jacob; and so much of these two Bribes taken in the capacity of a treasurer.

"Now he comes to the Court of Wards, and shewed, That the lord treasurer's offences herein are of a rare strain. First, the knight noted, by way of preface, That 'honos,' the honour, must be given to him that deserved it. All the good artifice began under treasurer Salisbury. Then were Articles invented that helped the king to all his revenues, and tied the officers to their own fees and places. The king's revenues prospered well then: and these articles, by the advice of the judges, were confirmed under the great seal.—When this last lord came to be master of that court, (for now, saith the knight, he is not charged as a lord, but a master) he complained he had not elbow-room for those articles; he was too much bound by them; (and bound he was indeed) and therefore he projects new articles: and these new articles are charged with high extortion; for in them are raised double fees: one fee the surveyor formerly had, and still retains justly, another parallel fee to this my lord hath raised unjustly and oppressingly. For extortion is a grievous and consuming enormity in a commonwealth. It was the greatest evil the high God could foresee would befal the enemies of God. 'Let the extortioner consume what he hath, and the stranger devour his labour.' Psalm cix. v. 10.—In these Articles his lordship created a new officer, a secretary. The chief proceedings there go by way of petition. In the former articles these petitions were received by the court, and entered by the clerk without any fee, and so were to be found on record: but, in the new articles, this new officer is to receive these petitions, and may, for any rule to the contrary, suppress them; and for his fee he taketh what he pleaseth; and it is proved he hath taken 10l. 20l. 4l. 5l. three dishes of silver, and the like: he is altogether unlimited, unless, peradventure, his oath doth limit him.—Another Charge in this Court, is this Abuse, viz. The lord treasurer's place requires a whole man, and so doth the mastership of the Court of Wards; whereupon his ldp. was fain (as unable to weild those two great places) to invent a new device, a Stamp even with his own name, Middlesex: now this hand moves and guides the seal of the court, and therefore, being turned by the hand of a young secretary, may produce strange consequences. Never any king did suffer a subject to use a Stamp. Old lord Burleigh had a stamp, because of his gout, but never suffered it to be used but in his own presence. Henry 8. had also a Stamp; but, suffering it to be employed by another, an act of parl. was overthrown thereby.—Sir Edw. said, he would conclude with one example: if a ward be not found within one year, he is reputed concealed, and so falls within the dispose of the master of the Court of Wards: now, by the secretary's keeping of this Stamp and Petitions, he may so carry the matter, that any ward may prove concealed; and that is no remote possibility. He brought this instance, à posse ad esse. My lord's secretary hath put to, and used this stamp for, the deferring of an office for half a year; and it is possible it may be done for a whole year. The knight said he never knew any man before trust a stamp, in the hand of another man, to command the king's revenue. He concluded this point with this observation, That my lord was a man raised very high, and very lately, and for expectation of service: that the king had been very beneficial to him; and for him to be so supine in the king's revenue, and so vigilant in his own, was the highest ingratitude. 'Et si ingratum dixeris, omnia dixisti.'—Sir Edward said, That all this he spake by command; and so he prayed their lordships to weigh it well with due consideration, and to give judgment according to the demerits of the cause."

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Sir *Edwin Sandys* proceeded to this effect. "The Commons had commanded him (undesirous of any such employment) to second this Charge to their lordships: That he was undesirous thereof, for he had rather defend the innocent than discover the culpable: yet he was the son of obedience, and must perform what, by that house, he had received in command. To decypher out this great lord, upon whom the Charge lay, he would give of him this character to your lordships. 'Nescia mens hominum est, eatique ignara futuri, et servare modum rebus sublata secundis.'—The want of measure and moderation most men complain of in this great personage. That he would make his entrance with two protestations; which (as you know) are exclusions, not intended conclusions. His first Protestation, That in this crimination against new im ositions, and impositions upon impositions, the Commons intended not to question the power of imposing claim'd by the king's prerogative. This they touch not upon now; they continue only their claim, and when they shall have occasion to dispute it, they will do it with all due regard to his maj.'s state and revenue.—For this time, he desired the word Imposition might be forborn, and the word Oppression taken up in lieu thereof; yet with a reference to the lord treasurer only, but in no means to the king. The second Protestation, That they intend to lay none, no not the least aspersion upon the council table, or any one member thereof, the lord treasurer only excepted. The Commons remain fully satisfied that he was the first propounder. These protestations premised, he branch'd the oppressions into three natures, used in the Wines, Sugars, and Grocery-Wares. And he promised to use this method to discover, first, some General matters, then fall to Particulars.—The Generals are two: 1 The Commons conceive, that my lord treasurer cannot be ignorant, that in the lay of the first Imposition, in the time of the earl of Salisbury, it was promised, That his maj. would never lay any more imposition upon commodities, without the consent of the people. 2. That my lord treasurer knew well that, in that assembly of parl. complaint was made in the lower house, that the overburthening of trade was the destroying it; and that he was himself employ'd by the house to the king to negotiate for redress therein; and he promised there, that he would make it his master-work. 'Quid dignum tanto feret hic promissor.' The issue of all was this, for his ldp. to devise new burthens. These were the two Generals, from these the knight descended to Particulars, and began with the Wines. He put their lordships in remembrance, that the merchants had the king's covenant under seal, and promise by his royal word, to lay no further impositions: They had reason to desire it, for they paid a great fine and rent for the farm, which your lordships knew best; yet for all this, 19 Jun. 19 Jac. there issued forth a privy seal of imposing 3l. per tun on the French Wines: a grievous imposition in the matter, yet worse in the manner: for if it had been just, yet, in equity, it should have been laid before the voyage undertaken, and the vintage made; then it had been known, and, if known, the merchants had stay'd at home, deserted and given up trading. But this impostition was not laid till 2700 Tun of Wine were arriv'd in the Thames; and yet the lord treasurer gave command, that no entry thereof be made in the custom-house until security was taken to pay this intolerable imposition.—He left your lordships there to consider these circumstances. 1. Ships all laden with this perishing commodity. 2. Great and excessive leaking, by being upon the river, and abuse in the passage. 3. 30 shillings per tun formerly imposed by the Rochelers. 4. 20s. per tun laid by the merchants, for their several Apparel taken away by the Rocheloys. 5. This 3l. per tun to fill up the measure of their afflictions.—Yet, instead of compassion in this extremity, such as refused to pay, were cessed at the double the imposts; others, who could not put in bonds, after asperity of language and petitioning to the king, were committed to pursuivants; yet the king's privy-council used the merchants honourably; for they sent for the vintners, and, to help the merchants, they raised the wine a penny in a quart.—Notwithstanding this the merchants fell into the hands of customers, who used them rigorously, and they lost great part of their principal: first, they paid half of this new imposition in hand, and gave security to pay the other half; afterwards, the payment was divided into 3 parts, and secured by the merchants accordingly. On the 20th of Aug. following, another privy-seal was issued to determine the former; yet 40s. only of this imposition was taken off thereby, and 20s. laid on the French Wines partially and without limitation; viz. 20s. the tun for London, and 13s. 4d. for the out-ports, whereof the Londoner complained; and it was inserted in the privy-seal, to be at the humble and voluntary assent of the merchants; which is absolutely deny'd, for they only consented to pay 20s. the tun, until the remainder of the former imposition, so secured as aforesaid, were paid, and no longer; yet they were haunted by pursuivants till they had paid: and they complain they are undone, unless their bonds be delivered up. They further complain, That they do pay for their trade cent. per cent. and shew'd the particulars, viz. One merchant had paid 800l. to the king for his part in a short time, and now unable to pay any more.——Here the knight said, That he would willingly suppress what follows, for acerbity of speech is no breeder of good blood: but the Commons had commanded him to speak it, and to declare further, That the merchants compared their sufferings under these impositions, to the sufferings of the old Israelites in Egypt, when they were commanded to make brick with less straw; and generally confess, that they would drive twice as much trade, if their trade were not overburthened. Hereupon they

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thought they had sufficient ground to complain; this being dishonourable to the king and oppressive to the people, the king's promise, word, and covenant being violated; these impositions, double the value, being grievous to the subject and fearful to posterity; for besides the old imposition, by statute, upon Wines, there are three more upon one another, 'et quis erit modus,' of feeding upon trade." Here ended the Complaint touching the imposition on Wines.

Then sir Edwin proceeded to the Complaint of the lease of Sugars procured by the lord-treasurer, viz. "That whereas George Herriot held the Farm of Sugars, upon a rent of 10,000 marks per ann, the lord-treasurer procured him to surrender that lease, and obtained a new lease thereof unto two of his lordships servants to his own use, at 2000l. per ann. for the same. What merits had his ldp. in the great extreme want of money, as to draw from his maj. so great a reward as 4000l. per ann. for 21 years? but the Commons Complaint herein is of a higher nature. That the king having granted, that the merchants importing any merchandize, and paying the duties for the same, if they export the same within 18 months, their imposition is restored: This is observed in all other merchandizes, save that of Sugars. The reason is plain if your lordships know who is the farmer of it. The Commons further complained, That the lord-treasurer had turned the Composition for Grocery into an imposition; which his ldp. did, without any warrant, whereby he usurped regal authority. That the city of London had yielded to a Composition for Grocery, but the out-ports refused, and especially the city of Bristol: and that in the lord-treasurer Salisbury's time, 11 Jac. that city had a decree in the exchequer, that they should be freed from any such Composition, upon condition to yield to purveyance in kind, when the king or queen comes within 20 miles of their city; which purveyance cost them 800l. when the queen's maj. was there. Nevertheless the lord-treasurer had directed his warrant to levy a composition upon the merchants of that city and the other out-ports, against their wills, with commandment to stay the landing of their goods until it be paid. And this, he said, was the substance of their crying Complaint; what more can they say, but, with wise king Solomon, 'If thou seest the oppression of the poor, and violent perverting of judgment and justice in a province, marvel not at it; for he that is higher than the highest regardeth, and there be higher than he. Eccl. v. 8.' Their Complaint is of an high lord, the lord-treasurer: but your lordships are higher than he; the king higher; and God higher than all; whose justice your lordships execute. This justice they, humbly and instantly, demand of your lordships against these oppressions."

This Report being ended, the lords took into their consideration how to proceed in the business, and then referred the Examination thereof to the sub-committee on Munitions, &c. adding to the said committee the lord-keeper, the lord-steward, the bp. of Bath and Wells, the lords Wentworth and Spencer: and their lordships may divide themselves into several committees, if they please, for expediting this business; and may send for any witnesses to be sworn here in court, that may conduce to the Examination thereof.

April 24. The abp. of Canterbury reported to the house, That the Committee, appointed to examine into the Complaint against the Lord Treasurer, had met, and examined divers witnesses, who were sworn here in the house, and had made a collection of Part of the said Charge; which mr. Attorney read in form following:—

"Part of the Charge against the Lord Treasurer.

"I. The farmers of the Petty Farms of Wines and Currants, having sustained great loss in their farm, by an impost of 3l. per tun of Wines newly set, were long and instant suitors to the lord treasurer for relief; but finding none, exhibited their bill into the exchequer, and afterwards a petition to the king, for reparation of their loss; to which having received a gracious answer from his maj. the lord treasurer agreed with them upon a recompence of 9500l. to be defalked by 1000l. per ann. out of their rent; yet, after this agreement made, he protracted their warrant about six months, and, in the end, took of them a bribe of 500l. for their dispatch, which was set upon the account of the Petty Farms: but since the summons of the parl. the same was, by his lordship's direction, posted to the account of the Great Farms.—II. The lord treasurer being presented with a tun of Wine, by the farmers of the Petty Customs, was not contented therewith, but exacted money of them also; who were thereupon drawn to give him 100l. —III. The farmers of the Great Farm having, by their lease, covenanted to give security for the payment of their rent, divided their farm into 32 parts, appointing every partner to give security of 1500l. for every part. Five of the partners relinquishing their parts, the security fell short 7500l. Whereupon the 4 patentees, resuming those five parts to themselves, tendered their own security; which his ldp. agreed to accept, yet protracted about 3 quarters of a year, until they gave him 500l. for his dispatch. And whereas his ldp. pretends, by his Answer to the house of commons, that he had this 500l. and the other 500l. first mentioned in one entire sum, for four 32 parts of that Great Farm, it appeareth his ldp. had no parts at all in that farm.—IV. George Herriot having the farms of Sugars upon the rent of 1000 marks per ann. the lord treasurer procured Herriot to surrender that lease; and, to effect the same, gives order for the payment of 14,865l. due to Herriot for jewels; all which was paid between the 15th Dec. 1621, and 10th Jan. following. The lease was no sooner surrendered, but the said treasurer procures a lease to two of his

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servants, by indenture, dated Jan. 13, 1621, for 21 years, at 2000l. rent per ann.; which rent his ldp. paid so slowly, that there having only 4000l. thereof grown due since the lease, 3000l. thereof was paid on and since the 31st of Dec. last: and whereas the merchants, importing any merchandize, and paying the duties, are freed to export within the year, without any new payments; that custom was observed in all other farms, but denied in this, for the said lord treasurer's benefit.—V. The city of London having yielded to a Composition for Grocery Ware, which the out-ports, particularly Bristol, refused; upon long debate and advisement, in the time of the lord treasurer Salisbury, it was resolved they should not be pressed thereto: nevertheless, the lord treasurer hath given warrant to levy that Composition upon the merchants of the out-ports against their wills, or else to stay the landing of their goods; which hath been put in execution accordingly.—VI. In Dec. 1618, his maj. upon great deliberation and advisement, did set forth instructions, very fitting and necessary for the well ordering of the Court of Wards: the lord treasurer becoming master of the wards: and, for his own private gains, aiming at an alteration of those instructions, first procured a reference to divers of the council to consider thereof, yet after waved that reference; and, by his own power and greatness with the officers of the court, (though much against their wills) and by misinformation of his maj. (though much to the disadvantage of the king and subject) in the year 1622, procures new instructions; thereby taking the petitions from the clerk of the court, and appropriating them to himself and his secretary, who takes great rewards of the subject for procuring answers to the same; and, by colour of those new instructions, he doubles fees of continuance of liveries; and, having concealed the wardships to himself, he may easily make wardships concealed by the course of the new instructions.—Also he hath made a Stamp, and delivered the same to his secretary to be used; thereby, unlawfully, putting into the hands of his secretary the greatest part of the power and trust appertaining to the office of master of the wards. This the secretary hath used, stamping therewith, in the absence of the master, tenders, continuances, warrants to the great seal, grants of wardships and leases, indentures of liveries, &c. And whereas, by a privy seal of 6 Jac. there was an allowance settled for the ordinary of the Office of Ordnance; which, being put out of order in the time of sir Roger Dallison, in 1617, the lords, upon reference from his maj. set, under their hands, a proportion, both for present supply and future upholding of that office: but his ldp. being treasurer for the space of 2½ years, hath observed none of these proportions or establishments: whereby the stores are, in effect, wholly unfurnished.—And there being a Contract made with mr. Evelyn, by himself and other commissioners for his maj. for serving his maj. with Gun-Powder, being a bargain of high consequence to have been kept, his ldp. hath also neglected and broken that bargain, to the hazard of the kingdom and prejudice of the king. He hath also made unlawful bargains for the lands of sir Roger Dallison; wherein, for compassing those lands, he has contracted to do his endeavour to procure payment of 8000l. of old arrears, (which he performed when he became treasurer) and to pay for the land with making of baronets and suits to the king; and, in particular, a suit, for compounding with his maj.'s copyholders of Wakeneld by himself, worth 2000l. And, having agreed with sir Tho. Dallison and the officers of the Ordnance, he, to gain, indirectly, and by oppressive means, an estate which sir Roger Dallison had passed to sir R. Smith and sir John Davy, he setteth on foot an outlawry of sir Roger Dallison, and thereby dispossesseth sir Rd. Smith and sir John Davy, who had been in possession, by a trial at law; using the power of his place, and countenance of the king's service, to wrest them out of a lease and estate of great value."

After the reading of this, it was ordered, That the said part of the lord treasurer's charge should be sent unto him to-day. And that he be warned to appear here at the bar, on the 28th inst. at 9 in the morning, to answer it. Likewise, if he had witnesses to be examined, he may present their names to the house to be sworn between this and the same day. And this is said to be Part of the Charge, because there are other things against him which are yet in examination; and, when reported to the house, he shall be charged therewith, if thought fit.

April 26. The messengers that were sent to deliver the Charge, &c. to the Lord Treasurer, declared they had done it; but he gave no other Answer to them than, "It is well."

April 27. A Petition from the lord treasurer to the House of Lords was read, in hæc verba:

"The humble Petition of the Lord Treasurer of England.

"Most humbly representing to this most hon. house the names of such persons (by the schedule annexed) as the lord treasurer humbly desireth may be sworn and examined for discovery of the truth, upon such Articles as he shall exhibit, touching the several matters contained in that part of his Charge, which has been delivered to him. For which purpose he humbly prayeth such warrant for calling in those witnesses, and such others as he shall give notice of to the clerk of the parl. as the form of this high court requireth. And, withal, humbly propoundeth to the consideration of this most honourable house, Whether your lordships will think fit to proceed to examination of witnesses to be produced on his part, before he hath made his Answer; whereby it may first appear to your lordships what things he will deny and what confess and avow, and in what manner he will avow the same;



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upon which, as upon issue joined, he may particularly examine his witnesses, and, after copies of the Depositions taken both for and against him, the cause may be prepared for your lordships honourable judgments; which he protesteth to further, on his part, to a hearing with all possible expedition. Lastly, his most humble suit is, That, in respect of the nature and multiplicity of the matters objected against him, which do necessarily require the assistance of learned counsel, this most honourable court will be pleased to assign the following gentlemen to be of counsel with him, in this cause of weight so much concerning him; viz. mr. dr. Steward, mr. Rd. Hide, of the Middle Temple, mr. Wm. Hackwell, of Lincoln's-inn. Middlesex."—Then follow the names of nearly 40 witnesses.

This Petition being read, the lords appointed a special committee to consider what Answer should be made to it, consisting of the lord president, lord Rochford, the bp. of Rochester, and the lords Wentworth, Howard, and Say. These lords having withdrawn themselves some time, and being returned, the lord president reported to the house the Answer agreed on, in these words: "1. That warrants shall be given for calling in of such witnesses, whose names shall be exhibited in writing, and thought fit by the house to be examined; the interrogatories and witnesses names to be sent to the house to-morrow in the afternoon, and the witnesses themselves to appear, that such of them may be sworn and examined as the house shall think fit. 2. The house sees no cause, when the witnesses names and interrogatories are sent in, why the examination of them should be deferred: but the day for his appearance and answer was to hold. 3. His lordship may use what council he pleases to advise for his defence; but it stands not with the orders of this house to allow council, at the bar, in cases of this nature."—This Answer, being read and approved, was sent to the lord treasurer. A Memorandum is made, That the earl of Bridgewater, one of the committee to search precedents, &c. reported, That they could find none where a member of this house did answer, by his counsel, to a complaint exhibited against him: but that divers members of this house and others had answered in person and not by counsel; and that counsel was denied to Michael de la Pole, lord chancellor, 10 Rd. 2. when he required the same.

April 28. Another Petition from the lord treasurer to the house, was presented and read, in hæc verba:

"The humble Petition of the Earl of Middlesex, Lord Treasurer of England.

"Most humbly sheweth, That, according to your lordships' directions, in Answer to his Petition humbly presented yesterday, he had appointed the witnesses there named to attend the most honourable house this afternoon, to be sworn to answer such interrogatories as, on his behalf, shall be exhibited.—But, whereas your lordships did further direct that the said interrogatories should be presented this day; he most humbly desires your lordships to be truly informed, that, having neglected no time since he received his Charge to prepare his Answer, he finds the matters objected so many and of such divers natures, that he cannot yet, possibly, furnish the same, in such perfect and particular manner, as he ought and desires to do for your lordships' best satisfaction, and the clearing the matters laid to his Charge in all points. And therefore, his Answer being not yet ready, upon which all the interrogatories must properly be grounded, and without which your lordships' judgments of the pertinencies of the interrogatories cannot be rightly informed, he humbly beseecheth your lordships to respite them, and as soon as his Answer is finished he will forward them with all possible speed. And he doth, once again, humbly propound to the consideration of this most hon. house (because therein your lordships have not been pleased to give Answer unto his former Petition) whether your lordships will not, in your noble justice, permit him to have copies of the Depositions taken and to be taken in this cause, on both sides, without which he shall be utterly disabled to make that just defence, which a cause, of that importance to him, doth necessarily require.—Middlesex."

The lords, upon reading this Petition, did all agree, "That it is against the order of this court, as well as of all other courts, for a delinquent to have Copies of the Examinations before he answers." And, as to the rest of the Petition, the following Answer was agreed on to it: "The lords expected to be obeyed and not to have been directed; and hold for a disrespect unto the house, That witnesses should be produced and sworn, and no interrogatories sent whereon to examine them as was required. The Copies of Depositions already taken, for Proof of the Charge, was not directly prayed in the former Petition, therefore it was not precisely answered; but it is so unfit a desire that the lords think the petitioner ill-advised to make such a request. And, according to the former order of the house, the lords expect the lord treasurer's appearance to-morrow morning, to hear such Answers as he shall make."

April 29th. Another Petition from the lord treasurer was presented to the house, and read in hæc verba:

"Most humbly shewing, That, besides the weighty cares of mind which now do lie upon him, by the Charge he hath received from that most hon. house, he is fallen into such an indisposition of body, as he is once more enforced to beseech your lordships, in your noble justice and favour, to grant him a farther day for presenting his Answer and Interrogatories, which fall out to be much longer than he himself expected. It being no small addition to his sorrows, that, in a case so nearly concerning him, he cannot conceive by their lordships former Answers to his former humble Petition, that

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they purposed to allow him Copies of the Depositions, whereby, after his Answer delivered in writing, he shall prepare himself for his just defence against the hearing.—Middlesex."

To back this Petition, the Prince moved "That in respect of the lord treasurer's great office, and sickness pretended by his ldp. he might have a longer day given him, and that day to be absolute. On which the following Answer to the Petition was agreed on. That the lords, only in respect of the lord treasurer's indisposition of health, are pleased to respite his appearance this day; but do enjoin that on May 1, at 9 in the morning, if his health so permit, he bring his Answer; if not, that then he send his Answer to his Charge in writing, and all such Interrogatories as he would have his witnesses examined upon. Likewise, the lords do peremptorily assign the 7th of May next, for his appearance in person, and for the final hearing and determining the cause." On the same day the Attorney General read the following

Additional Articles to the Charge against the Lord Treasurer.

"I. He undertook the office of the Wardrobe, in the 16th year of his maj.'s reign, and continued in the service of that place from Michaelmas, anno 16, to the same time, anno 19. This office he took upon him under pretence of doing his maj. special service; and, for that purpose, obtained a certain assignment of 20 000l. per ann, or thereabouts, which was duly paid unto him by way of impress. Instead of doing service, he hath brought that place into disorder and confusion; he hath not duly served the warrants which he should have served, nor paid the workmen and creditors; he hath neither kept orderly accounts, nor yielded any; but under colour of pretended service of great importance, hath procured gifts and discharges of great sums of money, which he received for the execution of that place, and for the queen's funeral. II. Whereas, in the former Charge delivered to his ldp. it is mentioned that merchants, importing Sugars have been denied to export the same without paying new duties: it appears, upon further consideration of that business, That the prejudice the merchants have sustained concerning their Sugars, is, that they have been denied, upon exportation of sugars, the imposts paid on importation; which is contrary to the direction given by his maj.'s letters patents 5 Sept. 8 Jac."

May 1. The lord treasurer sent another Petition to the lords, with his Answer to his Charge, and the Interrogatories to 4 parts of the same; which, being read, were referred to a committee, who were to report to the house what interrogatories they reject. The tenor of the Petition was as follows:

"The lord treasurer, with most humble thanks, acknowledgeth the honourable favour of this house, by their noble order made in this house on Thursday last; and doth most humbly take hold of the liberty thereby granted him, in respect of his indisposition, which yet continueth) most humbly to present to your lordships herewith all his Answer, in writing, as well to the Charge he received the 24th of April, as to the Additions thereto which he received the 29th of the same, together with as many of his interrogatories for Examination of Witnesses as he could possibly make ready by this time, which are full and perfect for four of the Articles of his Charge; most humbly desiring Monday morning at the sitting of the court for the bringing in the rest; and that your lordships will pardon the length of his Answer; the variety and multiplicity of the particulars necessarily requiring it, as well for the readier informing of your lordships judgments, as for relief of his own weak memory whom as yet you have been pleased to appoint to stand alone without counsel at the hearing: he doth withall humbly explain his meaning in the former Petitions, which were not to desire Copies of the Depositions before his Answer were put in, and all Witnesses for and against him fully examined: but when that shall be done, he hopes it will stand with the honour and justice of that most honourable house to allow him copies of the depositions on both sides.—Middlesex."

The tenor of the Lord Treasurer's Answer to his Charge followeth.

"The humble Answer of the Earl of Middlesex, Lord Treasurer of England, to the part of the Charge which was delivered him from the most honourable Court of the higher House of Parliament, on Saturday the 24th of April, 1624.

"To the 1st and 3rd Articles concerning the two pretended Bribes of 500l. a piece. His Answer is, that no such several sums were ever paid unto him, nor any money at all for any of the causes mentioned in the said Charge; but he acknowledgeth that, the 27th of June last past, he, by his servant, did receive at the hands of Jacob, one entire sum of a 1000l. in consideration of his interest in four 32 parts of the great Farm, which he had formerly reserved unto himself, upon settling the new lease thereof; and for no other cause, as he hath truly alledged in his Answer to the Commons: and, for better satisfaction of this most honourable house therein, he hath here set down a true and particular Declaration of the state and carriage of that business, as followeth:—He is very well assured that as his general course, in all bargains of the like nature for the king, hath been to look to his own duty and the king's service, as the husband of his maj.'s estate; so in this particular, touching the 9500l. allowed to the Petty Farmers in recompence of their losses, he carried himself so carefully and strictly for the king, as he could no ways expect so much as thanks, much less any gratuity or reward from them: for though, at first, they demanded of his maj. a very great sum, pretending, that the interrup-

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tion they complained of was 10,000l. disadvantage to them in their first year only; yet upon good reasons, shewed by the lord treasurer, on his maj.'s behalf, they were brought to accept of 9,500l. whereof, though they earnestly pressed to have present satisfaction, yet he over-ruled them to take it in 9½ years, (which was not worth more than 5000l. in hand) and that, also, to be in full satisfaction of all their demands, not for one year, but for the whole term of 9½ years; so, as, in that particular, the lord treasurer was so far from doing them favour, that he thinks, they have maliced him ever since, rather for holding them so hard to it, than for any regard to the king's service.—And for the Great Farm, the said treasurer saith, That the old farmers becoming suitors to renew their lease, propounded to leave the Silk-Farm upon his maj.'s hands; and, withall, to have an abatement of the rent they then paid for the Great Farm: whereupon the lord treasurer, finding how much that offer tended to his maj.'s disadvantage, desired sir A. Ingram, by himself and his friends, to get a better offer made to the king, which was done accordingly; and thereby his maj.'s rent was not impaired (as at first was proposed) but increased 4000l. per ann.; and the Silk Farm Rent was also made good; which otherwise, to have been lett by itself, would not have yielded the old rent by 5, or 6000l. per ann.; so that the bargain was better to the king than the old farmers first offered by 9, or 10,000l. per ann.: notwithstanding, it was thought fit by his maj. that the old farmers, coming to the rate offered by others within a 1000l. per ann. should have the preference of the bargain. But withall, the lord treasurer, to gratify those, who, by the said offers, had done the king service, by advancing the rent as aforesaid, did, at the instance of sir A. Ingram, on his and their behalf, reserve certain parts of the said Farm, with no other intention but to dispose the same among them; and then gave order for the lease to proceed to the patentees, who were named, in trust, for themselves, and all the partners.—And, afterwards, the said lord treasurer did dispose of the said parts, reserved to the said sir A. Ingram and others, according to the first intention; 4 of which parts, the parties which had them did afterwards, at several times, give up to the said lord treasurer, and left the same at his disposing. Some months after, sir Philip Carey, who had one of the lord treasurer's parts, and some others placed by the farmers, upon some mislike of carriages of that farm, did also relinquish and give up their parts; upon occasion whereof, the lord treasurer, being put in mind by sir A. Ingram of the said 4 parts, which were returned unto him by those to whom he had formerly disposed them; and being asked what he would do with them, did, upon Jacob's next coming to him, ask him, How the farmers meant to use him for his four 32 parts of the farm? He answered, That because his ldp. had formerly signed a warrant, for the king's security of all the 32 parts, and said nothing of those 4 parts, they thought his ldp. had waved them: but he would speak with the partners about it, and then give him a full answer. Within few days after, Jacob returned to him, and very freely offered a 1000l. for his parts, according to the rate which, he said, they had lately given to mr. Chancellor for his: which the lord treasurer was contented to accept: and within 4 days after he told mr. Chancellor what bargain he had made with the farmers, for his interest in four 32 parts of the Great Farm, viz. That he had sold them to the Farmers for a 1000l.—This Agreement being thus made with Jacob, and the 1000l. paid accordingly; it falls out, by that which was since discovered, That he and his partners, which shared those 4 parts, agreed together, to ease themselves of that money, (which should have been properly born upon their own private accounts,) by laying the same upon the general accounts of the Great and Petty Farms; (themselves being farmers in both) and thereupon, the 1000l. as is since discovered, was by them divided into two parts; the one half entered upon the books of the Petty Farmers, and the other upon the general account of the Great Farm, as gratuities to the lord treasurer; who litle knew of their unjust proceedings, both with himself and their partners, until about Christmas last; when he had first intimation of some such Charge laid upon the Petty Farms, not hearing then that which was done upon the Great Farms account: hereupon he presently sent for Jacob, and was much offended with him, that he should suffer any such unjust thing to be done; who, at first, denied it; but, the next day, confessed it; and said, it was ill done; and said, he was over-ruled in it; and promised to set all straight again, according to the truth and right of the case; which, the lord treasurer understands was done accordingly; not by posting the 500l. from the Petty Farm's Account to the Great Farm's but by discharging both unjust charges out of both accounts; the patentees returning back the money which they had taken off the Petty Farmers, upon the lord treasurer's just exception thereto; and also making like restitution, of their own accord, to their partners in the Great Farm, whom they had likewise wronged; whereof the lord treasurer heard nothing till of late: so, he hopes, the proofs of this cause will make it evidently appear, that all this scandal hath fallen upon him, by this underhand working of the patentees for their own private gain; by wrongfully charging their partners in both farms, to ease themselves, without the lord treasurer's privity or knowledge: and though the patentees, to make their own tale good, have lately denied that the lord treasurer had any part in the farm; yet it will manifestly appear upon proof, by the oaths of men of good reckoning, that themselves have acknowledged, that his ldp. had reserved part of that farm at his disposing.—For the 100l. and the tun of Wine, alledged, in the

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2nd Article, to be received: the truth is this, That Jacob being with the lord treasurer about other business, told him, That the Farmers of the Petty Farms, had, or did intend, to present him with a tun of wine, for a new year's gift. The lord treasurer then answered him merrily, That other lord treasurers had been better respected by those farmers, and that he would have none of their wine; and shortly after, Bernard Hyde brought him an 100l. for a new year's gift only, and for no other cause. —To the 3rd Article, concerning Herriot's Reckoning and the Sugar Farm, the lord treasurer makes this Answer, That in 1620, a lease was granted to Herriot, of the Impost upon Sugars for 3 years, not at the rent of 10,000 marks per ann. as is alledged in the Charge, but at less by a 1000l. per ann. viz. 5666l. 13s. 4d. rent. Afterwards, the 17th of Nov. 1620, in the time the lord Mandeville was treasurer, Herriot obtained a privy-seal of assignment, whereby he had power to pay himself out of the Sugar Farm-Rent, by way of retainer, a debt of 13,089l. 16s. formerly due to him, viz. for his free-arrear in the exchequer 187l. 10s. and upon six privy-seals for jewels, formerly bought of him, 12,902l. 6s. in which privy-seal of assignment, there was one special clause, That if the said 3 years rent would not suffice to pay the whole debt, by reason of defalcations which might fall out upon the farm, the rest should be made good out of the exchequer; and afterwards, in May and Aug. 1621, in the visc. Mandeville's time, Herriot obtained two other privy-seals, for two other debts due to him, amounting to 1962l. 15s. which, being added to the former debts by privy-seal, makes up the great sum of 14,865l. mentioned in the lord treasurer's Charge.—And whereas it is alledged, that this whole sum of 14,865l. was paid to Herriot by the now lord treasurer's order within the space of 26 days: the truth is, There was not one penny paid at all in money, but Herriot being indebted to his majesty 7799l. upon account of the rents and profits of the Sugar-Farm until Christmas 1621, the same was allowed in discharge of so much of his debt of 14,865l. viz. 5666l. 13s. 4d. which he had power to pay himself, by virtue of the said privy-seal of assignment; and 2132l. 6s. 8d. which was done by him upon his account before the lease of the Sugar-Farm began. And whereas he might, by the said privy-seal of assignment, have paid himself the other 7066l. within less than 15 months; the lord treasurer did, by Herriot's consent, transfer the same to be paid out of the Tobacco Farm, viz. 4000l. at Michaelmas 1622, and the rest at Michaelmas 1623, which was a longer time and more advantageous assignment for the king than the former was: so, although there were several orders signed, as if the money had been paid immediately out of the exchequer; yet that was done, of necessity, to enable the striking tallys, for the tellers charge and discharge, as the form of the exchequer required, without issuing any money at all: so that it will appear upon record, this Charge upon the lord treasurer is wholly mistaken; and that he was so far from paying so much ready money as he is charged with, that he paid no ready money at all, but by assignment; which he made at longer days, than it was formerly settled in his predecessor's time. And thereupon Herriot, having his debt thus settled and paid to his content, did surrender up his lease; which, he had procured to no other end, but to secure the payment of the debts owing to him by the king. Afterwards, it is true, his maj. granted a new lease of the Sugar-Farm to the lord treasurer's use, at the rent of 2000l. per ann.; in the granting whereof his maj. was truly informed of the state of the same, and particularly made acquainted, That the said Farm of Sugars might be improved to 6000l. per annum, though Herriot had it but at 5666l. 13s. 4d. it being his maj.'s pleasure, out of his own grace and goodness, to grant the same, in form aforesaid, to the lord treasurer, for his many services, and for considerations best known to himself.—For the slow paying his rent, it is true, that one of the 3000l. was paid 3 or 4 days after the rent-day, and the other two half-years rents were forborne in respect of some private disbursements of his lordship's for the king; upon bills of exchange to the commissioners for Ireland; and other engagements for his maj.; which his ldp. intended should be discharged and cleared by the said rent.—And, lastly, The liberty of transporting Merchants' Sugars, formerly imported, remaineth now in the same estate and condition, without any alteration, since the lord treasurer's lease, as it did at any time before; neither is there any such restraint or denial made by him, or under him, to the merchants' prejudice or his own profit, as is alleged in the Charge.—To the 4th Article, touching the Composition for Grocery-Wares in Bristol and the out-ports; the lord treasurer saith, That complaint being made unto him on his maj.'s behalf, That the said Composition-Money being no less due in the out-ports than in the port of London, no certain course was settled for the receiving of it, or bringing it to account for his maj.'s use, so as little or no benefit thereof came to the king: he thereupon thought fit to send a general warrant to the out-ports, to authorize Jacob to take care of that collection; and receive such duties of that nature, as had been formerly used to have been paid; to the end the whole collection thereof might come in upon one man's account; with no intention to raise a new charge upon the subject, but only to settle the collections of the king's duties in order: and, as soon as the said lord treasurer had notice, That the citizens of Bristol had formerly yielded to furnish his maj.'s household with grocery in specie, upon purveyance, at the king's coming into those parts; and, thereupon, had obtained an order in the exchequer, to exempt them from the payment of the composition; the lord treasurer did presently discharge the former warrant sent

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thither before, and referred the merchants (who acquainted them with it) to sir Simon Harvey, one of the officers of the Green Cloth, who certified his lordship, that he had agreed with them to their good contentment.—To the 5th Article, concerning the business of the Court of Wards, the lord treasurer makes this humble Answer, That in Dec. 1618, his maj. did set forth instructions for the ordering of the Court of Wards; which orders were set forth by the procurement and solicitation of some of the officers, without the privity of the lord Walsingford, then master, and some other of the council of that court, and near about the time of his lordship's leaving the place: divers of which articles tended to the abridgement of the antient authority and profits of the master's place, and for the profit of others of the officers of the court.—Whereupon the lord treasurer, being made master, was an humble suitor to his maj. to restore him to the former rights of the place, by altering the said Instructions in some points, not prejudicial to his maj.'s profits, nor grievous to his subjects; upon which it pleased his maj. to refer the same to some privy counsellors, as is mentioned in the Charge: after which time, and before any thing was done, upon the humble motion of the lord treasurer, his maj. was pleased to direct, That the master and officers should first confer and agree (if they could) among themselves, and resort to the referrees, if they agreed not: Whereupon the master and all the officers, upon sundry meetings and debatings, agreed among themselves for the new Instructions, and thereupon voluntarily subscribed their names. There was no misinformation used to his maj. neither are the points contained in the new Instructions disadvantageous to the king or subjects more than the former, and, in some points, of much more advantage both to the king and subject. Touching the taking Petitions from the Clerk of the court, and appropriating them to himself and the secretary, who is charged with taking great rewards for procuring answers to the same, he saith, That, until the said Instructions of 1618, all Petitions were delivered to the master; which, by the said instructions of 1618, were (to the great prejudice of the subject, and delay of his maj.'s service) delivered to the clerk of the court, who was to present it at the sitting of the Council, which could be only in term time; whereas, by the former antient course, and by the last Instructions, the Petition being delivered to the master, he only giveth order for finding and returning an office, which must also be entered with the clerk; and, the office being returned, the grant is made by the master and council, at the council table. By this course the suitor hath expedition at all times, and the master no profit at all; and the secretary neither hath taken, nor exacted, any reward of the subject for procuring Answers, to the knowledge of him the lord treasurer. Touching the doubling fees for Continuance of Liveries, by the new Instructions, he saith, That, ever till the Instruction of 1618, the suitor might continue his livery, either with the master, or surveyor; and the master's fees for such continuance was ever 10s. The Instructions of 1618 appropriated the continuance only to the surveyor, which was an encroachment by the surveyor upon the master; now the new Instructions enjoin the continuances to be with both, for which the master taketh no other fee than 10s. which was the antient fee for continuances taken by all masters before him: and, for tenders, the master doth now take but 5s. whereas the antient fee is 10s.—By the Continuance before both houses, men are rather forced to sue out their liveries to the benefit of the king, and good of such as have cause to sue against them. Touching the having of concealed Wardships, and, to that point, that the master may easily make wardships concealed by the course of the new Instructions, the lord treasurer saith, That although he hath the disposing of concealed wardships, yet the benefit of them is to the king's own use; and it is not in his power to make a concealed wardship: for if the petition should be suppress'd, or not answered, yet it is no concealment, by the new Instructions, if any suit be made for it within a year after the death of the tenant; neither is the lord treasurer charged to have done, or so much as to have attempted any such act.—Touching the Stamp, which he is charged with having delivered to the secretary, he doth humbly acknowledge the same; but, withall, desireth your lordships to take into consideration, that the whole purpose and scope of doing thereof was only for the present dispatch of suitors in ordinary matters of course; and for such business as could not be effected by the Stamp alone, without the assistance or joining of other officers therewith, either before or after putting the Stamp: and the lord treasurer was rather induced to give way thereto, because he had understood that the lord Burleigh, when lord treasurer, made use of the like; and for that Stamps are in use in other offices at present: yet, if the lord treasurer had ever conceived, or been informed, that it had been unlawful or unfit, he should not have used it: also he directly affirmeth, That, by the use thereof, neither his maj. nor the subject, hath hitherto any charge or prejudice, but much ease in their dispatch.—And as to Dallison's unsettling the Office of Ordnance, that fell out 8 or 9 years since; and the supply set down by the lords, in 1617, was 4 years before the lord treasurer was in office; neither did the commission of the treasury, nor his predecessors, pursue any point thereby directed; but it lay wholly neglected, and now only revived against the lord treasurer, who never saw it but in this parliament: and for the Book made up by the commissioners of the navy, in 1620, for supplying the Stores and future upholding of the Office of Ordnance, (tho', being the last of the three settlements mentioned in the Articles, it might be sufficient to suspend both the former) it was so far from being an establishment to govern the office by, that all

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the officers have, and still do oppose it, and protest against it to this day; so as there being only propositions without resolutions, and no settled rule of establishment and direction, why should the lord treasurer be bound to keep it? or why the breach thereof be made his fault now, when it was broken and neglected in his predecessor's time, who was then the only proper officer to have put it in execution, the now lord treasurer being but one of the propounders of it.—Notwithstanding he humbly conceives, and hopes to prove clearly, that there hath been no such wilful negligence as is alledged; for tho' it be true, that the officers of the Ordnance, always opposing that Book of the commissioners, would never sue out the two warrants thereby required, the one of 13,640l. 14s. 2d. for Supply of the Stores, and the other of 3000l. per ann. for the Ordinary; yet there have been other privy seals of the same nature sued out, whereupon hath been issued to that office, since that book of the commissioners, was delivered, as follows, viz. for the supply of the Stores, 11,096l. 17s. 6d. which sums want not much of the commissioners preparations, considering that the ordinary quarter-books are yet unpaid for a year and a quarter; all which argue no wilful negligence in the payments, howsoever the officers have disposed of the monies; nor any great unfurnishing of the stores, which, if they have less proportion of some stores of provisions than were set down in the commissioners books, yet they have more of other stores of provisions, which have since been thought more useful and more necessary.—As to what concerns neglecting the supplies for Gun-powder, the lord treasurer saith, 'That the bargains with Evelyn were made in the lord Mandeville's time, who continued in the office the first 5 months after; in which time Evelyn served in Powder for the first 3 months; but, getting no money for it, made a stop of his delivery, according to the liberty of his contract: so that the same was broken in the lord Mandeville's time, and left wholly in distraction to the now lord treasurer, with a debt for 3 months powder, delivered as aforesaid; his predecessor not paying one penny upon that contract in all that time.—Neither did that bargain with Evelyn suffer any small interruption, by the continual complaints stirred up against him by mr. Sadler, and new propositions made by him for settling the powder-making otherwise; whereby Evelyn's contract stood under question, and both the lord treasurer, and mr. Chancellor, and the commissioners of the navy, had several times the trouble to examine the same; the lord treasurer having a purpose to bring Evelyn to account for the profit, made by him, of the surplusage of the price of the powder put to sale: by this means, and by reason of other mishaps, of blowing up the powder-mills by fire, Evelyn grew discouraged; and the service was neglected, till Sadler's suggestions were found frivolous, which was near a year's interruption of the service.—Besides, when the lord treasurer entered, he found in the Stores but 116 lasts odd hundreds of powder; and, the 20th of March last, he left in store above 141 lasts, notwithstanding the great expence of powder, upon extraordinaries, in the now lord treasurer's time, which also might have been 194 lasts, if the lord Mandeville had settled and maintained the contract in his time, by addition of his 5 months provision, and the 3 months which he left the now lord treasurer to pay for; whereas the whole proportion of Gun-Powder, assigned by the commissioners of the navy's book to be in store, was but 193 lasts of powder; and good reasons given wherefore there should be no more.—Lastly, It will appear, by comparing the quantity of Powder, paid for by the now lord treasurer, with the time before, that his ldp. had paid for as much, in this short term of 2½ years, as hath been paid for in the next 7 years before; so as never, in the king's time, were the Stores so well furnished with powder for quantity and goodness, as they are now; and yet never more want of money in the exchequer these 20 years, than hath been in the now lord treasurer's time.—To the last Article of the Charge, about the bargain for the land which was sir Roger Dallison's, the lord treasurer saith, "That he hath not made any unlawful bargain for the lands of the said Dallison; neither hath he paid for the said lands with making of baronets, or freeing copyholders, or any other suit to the king, as by that Article is pretended; but hath really paid for the same in money and money's worth, out of his own estate, to the full value of the lands and more: and, for more full declaration of the truth, he saith, That the said sir Roger being indebted to the king in 13,062l. 4s. 10½d. whereof sir Tho. Mounson, his surety, was found debtor 5100l. the said Dallison's lands were extended for 9962l. 4s. 10½d. thereof, and the said sir Tho. Mounson's lands for the said 3100l. and these so extended, together with the said several debts, were granted by his majesty's letters patent the 20th of July, 18 Jac. unto Francis Morrice, and other officers and creditors of the Ordnance, for 13,062l. owing to them by his maj.; with a special command to the lord treasurer and chanc. of the exchequer, to make out such writs and process for the said debts as should be required; and, with a covenant on the king's part, that if, by reason of incumbrances, they could not receive the same in convenient time, then it should be paid unto them out of the exchequer.—These lands of the said sir Roger were so incumbered by former charges, that the said officers and creditors of the Ordnance could not raise, by the said extent thereof, near so much as the bare interest of the said 9962l. 4s. 10½d. parcel thereof; and therefore did not conceive how it could give satisfaction unto them for the said 9962l. due debt, long forborne; but that they must of necessity have recourse to his maj. again for their better satisfaction, according to his maj.'s covenant contained in the said lease, made unto them in that behalf; and yet there

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was nothing allowed to relieve the poor distressed lady of the said sir Roger Dallison and her son: whereupon the now lord treasurer, in July, 1621, being then but one of his maj.'s commissioners for his debts, was made acquainted by the said Francis Morrice, and other the said officers and creditors of the Ordnance, of their intent and purpose; and, being willing to do his maj. the best service he could therein, after divers conferences, did come to an agreement with them for their interest in the said extents, and to make them payment of the said 13,062l. for the same, as follows, viz. 1062l. before the last day of Nov. following 1621, and the rest by 500l. every 6 months, at and after the Annunciation, 1623: after which agreement made for the extents, he not perceiving how he could make any use thereof, unless he compounded also with such as had the inheritance and other estates in the said Dallison's lands, did deal with some of them for the same; and then came to a second agreement with the said Francis Morrice, and the rest of the officers and creditors of the Ordnance, to convey to them an estate, which he then had for 9 or 10 years to come, in the Petty Farms of Currants and Wines, of the yearly value of 1400l. (and worth 7000l. and more, to be sold) which he did grant, and they did accept in full satisfaction of the said 13,062l. 4s. 10½d. and for their interests in the said extents accordingly.—Not long afterwards, the lord treasurer, being desirous to free himself of any further trouble or care, by reason of many other the incumbrances which were upon the said lands, did, in or about Nov. 1621, agree with sir Arthur Ingram, to deliver the said lands, with other lands then of him the said lord treasurer in the county of York, unto the said sir Arthur, in exchange for other lands of his, and to give unto him 9000l. in money, for the compounding and freeing the said estate and incumbrances, which were upon the said lands, late Dallison's, and of a lease he had of one Anthony Meers, of other lands, intermixt with the said Dallison's lands, esteemed of the yearly value of 400l. per ann.; of which 9000l. the said lord treasurer, afterwards, in Feb. and March 1621, by the consent of the said sir Arthur, did pay unto sir T. Mounson, for his interest in Dallison's lands, the sum of 3000l. besides the freeing of his the said sir Tho. Mounson's own lands of the said other extent, for the said 3100l. and all the residue of the said 9000l. he the said lord treasurer hath paid and satisfied, as it hath been required by the said sir A. Ingram accordingly; which said several sums of 7000l. and 9000l. amounting together to 16,000l. are more than the said lease and lands are worth, at and from the time of the said agreement for the exchange so made between the said lord treasurer and the said sir Arthur: and thereupon the lady Dallison, and sir Tho. Dallison, her son, upon a composition made with them by the said sir Arthur, did, in Feb. 1621, make an assignment of the said lease, to certain persons named by the said sir Arthur in trust for his use; and, since the said agreement and that time, the lord treasurer had no more to do therein than as the duty of the place requires, and (as he hath been advised by his maj.'s learned council) convenient and fit to be done on his maj.'s behalf: and therefore, as touching the rest of the said last Charge, That the lord treasurer having agreed with sir Tho. Dallison, and the officers of the Ordnance, he, to gain, indirectly, and by oppressive means, an estate which sir Roger Dallison had passed to sir R. Smith and sir John Davey, did set on foot an outlawry of sir Roger Dallison's, and thereby dispossessed sir Richard Smith and sir John Davy, who had been in possession, by a trial at law, using the power of his place, and countenance of the king's service, to wrest them out of a lease and estate of great value, the lord treasurer saith, The same is wholly mistaken; and that the truth is, That the said sir Rd. Smith, having a conveyance of all the freehold lands which were the said sir Rd. Dallison's, in Scotten, as a mortgage for payment of 1300l, and the said sir John Davy having an assignment of the said lease, as a mortgage for the payment of 600l. by year, for 10 years, upon a very hard contract for money, he the said sir Rd. Smith, long before the said treasurer had any thing to do with the said lands or lease, was dispossessed of freehold lands, by virtue of the said extent, for the king; and, after such time as the said lord Treasurer had so bargain'd and agreed with the said sir A. Ingram, and had left the said whole business to him as aforesaid, it was found that the said sir Roger Dallison stood outlawed, after judgment, at divers several men's suits, whereby the same lease and interest was in his maj. by means whereof some difference grew between the said sir Rd. Smith, sir John Davy, and the said sir A. Ingram, which the said treasurer used the best means he could to reconcile; and, to that end, endeavoured to have the same arbitrated and ended by sir Tho. Savage and sir Nich. Fortescue: but their travel therein taking no effect, after some suits in the prerogative court, the exchequer, and common pleas, between sir Rd. Smith, sir John Davy, and sir A. Ingram, in conclusion (by and with the consent of all parties) the said differences were heard and ended by sir Hen. Hobart, lord chief justice of the common pleas, and by the rest of the justices of the same court; by whose mediation and order, there is to be paid to the said sir Rd. Smith and sir John Davy, in satisfaction of their estates and interest in the said lands and lease, over and besides other great sums of money by them formerly received, the sum of 3000l. And touching the Charge of the Contract, about paying the 8000l. old arrears, the lord treasurer saith, That all the 8000l. was not old arrears, as is pretended, for that 3800l. thereof was then newly due by quarter-books, for certain quarters ending at Midsummer, the next before the said year 1621. And also saith, That his promise there-

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in was made before he became lord treasurer; and that promise was but to do his endeavour to get the 8000l. paid; the same being a just and due debt owing to about 100 poor families, whose pressing necessities would have forced him, after he came to the place of treasurer, to have given them satisfaction, if he had made no such uncertain promise before; and the said debt was paid at 13 several times, by several portions, as money could be best spared, between March 1621, and May 1623; and the king was so far from being prejudiced by the lord treasurer's dealing in this bargain, that his maj. was thereby eased from the repaying of the said 13,062l. 4s. 10½d. according to the said covenant: and, to make it appear that no oppression or power was used in this purchase, for any private benefit, or otherwise, nor that the same was paid for by making of baronets, and suits to the king, as is pretended, the said treasurer will undertake, and freely offereth, that the lands shall be conveyed again to whom this hon. house shall appoint, upon payment of the said 9000l. and reassuring of his said leases and interests in the said Petty Farms, with repayment of the monies received upon the same. It being also apparent by his declaration, That if any such suits, oppressions, or other hard measure, had been offered touching the said lands or lease, as is alledged in the said Charge, the same were no way done by the lord treasurer, or by his privity or direction, or whilst the said lands remained in his hands, which was not for above 5 months; so as the same can in no manner concern the lord treasurer, neither doth he know of any thing done therein by any other, but what hath been just and lawful.—And as to the Baronets, the same nothing at all concerneth this matter; but was a grace of his maj. (upon the suit of a nobleman, who was assisted by the lord treasurer) which he was pleased to confer upon sir Tho. Mounson, in regard of the loss of his office of Hawkes; and the same taking no effect, his maj. upon the said sir Tho. Mounson's late Petition, was pleased, in lieu of the Baronets formerly intended him, to grant another suit for the compounding with certain of the copyholders in Wakefield, for the value of 50l. by the year; whereof as yet he hath received no fruit at all.'

"The humble Answer of the said Lord Treasurer to the Addition of his Charge received from the most honourable court of the higher House of Parliament, on Thursday the 29th of April, 1624."

"To that part which concerns him, as he was master of the Great Wardrobe, the said treasurer saith, 'That he held that office for the 3 years mentioned in the Charge, and that, within that time, he did receive the ordinary assignment of 20,000l. per ann. or thereabouts; wherein, he conceives, he did no ill service to the king when he did reduce the vast charge of that office to 20,000l. per ann. and, by 3 years experience, to shew his maj. the means how that 20,000l. might be again reduced to 12,000l. which, he conceives, is no argument that he hath brought that place to any disorder or confusion, as, in a generality, is objected.—It is true that he made no account, for his time, neither for the Wardrobe, nor for the queen's Funeral; neither was there any cause why he should so do, for that, by his maj.'s contract with him for the Wardrobe, he was to discharge the ordinary charges thereof for 20,000l. at his own hazard; and, for the said Funeral, having warrant, by privy seals, to receive 20,000l. he received but the sum of 13,500l. and yet saved some part thereof, besides what he yearly saved upon the ordinary allowance of the Wardrobe: with all which savings he, from time to time, truly and particularly acquainted his maj. not being willing to gain so much by the same as he found he did, without his maj.'s privity and gracious allowance; who, being rightly and truly informed of all the particulars, did, upon the said lord treasurer's voluntary surrendering of that beneficial Contract for the Wardrobe, for advancement of his maj.'s service, having therein an estate for his life, grant him a general release and pardon, by indenture under the great seal of England, for all matters concerning the said Office of the Wardrobe and Funeral aforesaid."—He further saith, 'That in the time of his being in that office, he paid divers extraordinary sums, which were not within his bargain, upon several warrants and privy seals; as, 3000l. to the earl of Carlisle, about 2000l. for new-furnishing Ely house for the Spanish Ambassador, above 1000l. for a new rich barge-cloth, and other extraordinary disbursements of about 1000l. more; for all which, amounting to 7000l. or thereabouts, he never yet received, or demanded, any allowance; and, if any man hath any thing owing to him, in the time that the said lord treasurer was officer, (as he is well assured there is none, except some small remains upon the foot of some private reckonings) the same are no way chargeable upon the king; the said lord treasurer being their proper debtor, and bound by that indenture, to discharge the same, which he hath been ever ready, upon their demand, to do accordingly; it being acknowledged by the creditors of the wardrobe, that they have been better paid and used in his time, than either before or since. And, concerning the Charge of his not duly serving the lord chamberlain's Warrants for Supplies, it may well be that some few parcels, in some warrants, which could not then be suddenly provided, were, upon that occasion, or by some fault or negligence of his servants trusted in that business, left unserved: but that neither hath been, is, or shall be, any loss to the king; for he acknowledgeth it to be just and fit, that he should provide and furnish the same at his own charges: tho' the neglect of that little is no great matter, considering he has disbursed so much for his maj. in extraordinaries, as aforesaid, for which he never yet had any allowance.—To that explanation of the former



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Charge, concerning his not repaying the merchants the Imposts due unto them, upon the exportation of Sugars formerly imported, according to his maj.'s letters patent, of the 5th Sept. 1610, the lord treasurer saith, That the usage in that particular is such now, as hath been ever since the Impost was first laid, without any alteration by him, or any for him, in his time: neither did any merchant bring his certificate, and make his demand for that allowance, according to the form prescribed by these letters patent, as the lord treasurer is informed by those that farm the imposts of him; and therefore there could be no denial when there was no demand made. And, besides, this is so far from being a matter of benefit to the lord treasurer, that the farmers of the impost under him, (who should have that profit, if there be any) have been, and are willing to give the merchants content in their desire, if they will petition his maj. and sue out a privy seal to warrant it; without which, it hath ever been understood, it could not be done in respect to the king's interest therein, and in regard it never hath been allowed heretofore.—All which the said lord treasurer doth aver to be true in all points, and shall be ready to justify and maintain the same, in such manner as this hon. court shall award.—MIDDLESEX."

After these affairs were all read, the Lords received a Message from the Commons, importing, "That they desired a conference with their lordships, on the subject of two bills, then before them; and, at the same time, they presented a Petition to the house from divers Merchants, whole names are thereunto subscribed, containing a Complaint against the Lord Treasurer, for an Imposition on Hops; which complaint they humbly referred unto their lordships, and compared the same with the Imposition laid on French Wines, even when their merchandize was in the river of Thames: and affirmed that this had doubled the oppression on the merchants; for that the archduchess, out of whose country the Hops came, did thereupon lay new impositions upon the manufactures of this land. Lastly, The Commons conceive, that this new Imposition on Hops was laid, without any other warrant than the lord treasurer's letter."

This Petition from the Merchants was ordered to be read, and was as follows:

"The humble Petition of sundry Merchants whose Names are here under subscribed.

"Most humble shew, That whereas, in the reign of the late queen Eliz. continually, and until the 2nd year of the king's maj.'s reign that now is, Hops were rated for the Custom thereof at 12d per every cwt. Afterwards, in the time when the earl of Salisbury was lord treasurer, there was imposed on Hops 6d. upon every cwt. which was done by consent of the merchants; which said custom and impost hath continued so until Oct. 1622. At the time, when your petitioners, and others had brought into this kingdom, and into the river Thames, great quantities of Hops, the now lord treasurer wrote his Letter to the Custom House. That no Entries of any Hops should be taken till farther order from him; so that your Petitioners Hops, lay long in ships and lighters, to their great charges, and damage of the said hops; which was done without your petitioners knowledge, they nothing mistrusting any such composition; so that before your petitioners could be suffered to take up their goods, they were forced to pay 10s. for every cwt. of Hops, over and above the duty and impost aforesaid.—That divers strangers of Flanders, and others, have received up their goods upon bonds by reason of the archduchess's ambassadors; but divers of them have not yet paid their monies, nor entered to pay, as they themselves have given forth in speeches; notwithstanding the petitioners, most of them, were forced to pay in their monies, without any favour, to their great and intolerable loss and hindrance; and others have entered into bonds for the same, which are yet in force.—That, by reason of the said impost, so exacted from the petitioners, and others, as aforesaid, there was a great Impost laid on in Flanders, in the archduchess's country, from whence the said Hops came, upon Fustians and other of our native commodities; which have been to the great loss of the petitioners, and to the great hurt and prejudice of the commonwealth in general, and of no benefit to his maj. for the present; for that, since this great imposition, there hath not come hither the 20th part of those commodities as formerly.—The Petitioners humbly intreat the hon. assembly to take consideration of the premises, and to be a means unto his maj. that the said Petitioners may be repaid the said money so exacted; and that the imposts upon the Hops as aforesaid, which are still continued, may be reduced unto the former rate of 18d. upon every hundred weight of the said Hops; whereby your Petitioners may be the better enabled to continue their trade, which otherwise they must of necessity desert. And further, that their bonds, formerly entered into, may be re-delivered unto them to be cancelled."

May 5. The house waited upon his maj. at the Banquetting House at Whitehall, and on the 7th, the Lord Keeper made a report to the Lords of his maj.'s speech to them: but because the said speech, he said, was inimitable, his ldp. desired that he might read the same, which he did in these words:

"His Majesty's Speech at Whitehall, to the upper House of Parliament, May 5, 1624, concerning the Lord Treasurer.

"My Lords! Of mercy and of judgment both, my lords, my speech shall be unto you. There is a great officer of mine shortly to come before you, accused of divers misdemeanors. I am the judge in whose room you are to exercise judgment; for as I am under God in this throne, so you are under me: therefore I have been desirous that I might open myself unto

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you, anent this matter and occasion; and, as I have once said in a parl. before to you, so will I promise to shew you, as in a chrystal, my heart out of my mouth, in such sort as no false heart or tongue shall be able to blemish what I shall represent unto you.—It is my judgment, next under God, which you are to exercise at this time; and therefore, as a judge instructs the jury before the prisoner departs from the bar, so it becomes me to tell you how to carry yourselves in this great business; and the cause hereof is this, because I am bound in conscience to be careful of your carriage herein; for, if your judgments should fall contrary to my approbation, I protest to God it would be a great misery to me, and a greater grief unto your hearts.—Before the last parl. I never saw any precedent of this nature: in the last, against another great officer of mine (lord Bacon) there needed no admonition from me, because ye had 'reum confitentem;' in this the party stands upon his justification; and therefore ye have more need to take and examine it well. There is no doubt at all of your doing justice; you are most of you nobly born, the rest are noble by their places; you are the most honourable jury of England; nor do I intend further to instruct you, than to give your eyes, many eyes see more than one, some light into this matter. No king is the worse for the advice of his council, nor shall you be for receiving my advice and instruction.—In all matters of trial where are denials, two things are specially to be considered, the verity of the fact and greatness of the guilt. For the 1st, you cannot be too diligent in the search of the verity of the fact; for 'satius est reum dimittere quam innocentum damnare.' For the 2nd, You are to consider duly the quality of the offence; for, if your punishment be far inferior to the crime, it is an invitation to commit new offences. And, if it be over and above the offence, it is plain injustice and tyranny: therefore your punishment must be ever bounded in measure and moderation, according to the quality of the offence. You will do, I am sure, what a jury doth, for you have taken a greater oath than they; you have sworn, upon your honour, to me; by your conscience, towards God.—And here I shall give a touch of two things; 1st, I shall speak of the Person of the Man, and then of my Opinion of the Course which you are to hold in your judicature at this time.—For the Person of the Man; the first acquaintance that I had with him was by the lord of Northampton (who is with God) who often brought him unto me a private man, before he was so much as my servant. He then made so many projects for my profit, that Buckingham fell in liking with him, after the earl of Northampton's death, and brought him into my service. For I profess it here openly, and I am glad he is not by to hear me, That, besides him, I never saw young courtier that was so careful for the king's profit, without any respect, as Buckingham was. He found this man so studious for my profits, that he backed him against great personages and mean, without sparing any man. Buckingham laid the ground and bare the envy; he took the laborious and ministerial part upon him, and thus he came up to his preferment.—I was deceived if he was not a good officer; he was an instrument, under Buckingham, for reformation of the Household, the Navy, and the Exchequer; Buckingham setting him on, and taking upon himself the envy of all the officers. And he himself protested many a time to me, That he had not been able to do me any service, in the ministerial part, if Buckingham had not backed him in it. Hereupon I thought him the fittest man for this place; he had seen before the Abuses in the Exchequer, in the Navy, and in a thousand other particulars.—I must therefore put you in mind of one thing, and justice forceth me so to do: he cannot but have a many enemies; all Treasurers, if they do good service to their masters, must be generally hated, as M. Rosney was in France. And a Treasurer cannot oblige me more, than when I find suitors beg from me, and pray me not to send my reference to the Treasurer, because he gives them no good Answer. Two kinds of people are continually hated in court, Treasurers and Ushers; because this latter must of necessity put disgraces upon men, and the treasurers must keep the king from importunity of many suitors. I pray judge not by the affections of the people, nor by the hatred of the people; you must avoid both these; and therefore judges of old were painted blind.—The 2nd thing I recommend to your consideration is, That you look upon a sound trial, so that the Offence be clear; and, in the next place, when you find a cause of punishment, let it be within and not without the limits of his desert.—Now I shall recommend to you some Generals; not for his respect or particular, but my own, my son's and posterity's, and your own, my lords, whose part God knows when it may fall unto. Let no man's particular ends bring forth a precedent, that may be prejudicial to you all and your heirs after you; precedents there are none of many years, before this and the last sessions. The informers are the Lower House, and the Upper House are the judges. If the accusation come in by the party wronged, then you have a fair entrance for justice; if by men that search and hunt after other men's lives, beware of it, it is dangerous; it may be your own case another time. No man can stand upright before God and man, if every act of his should be enquired after and hunted out by every man, though it concerns him not.—The main ground in an Information is this, The party complaining should say, This wrong he hath done me; if he hath corrupted judicature in judgment, or taken a Bribe to the hurt of the innocent; if, in Extortion, he hath wrested, by violence, from the party; here is a just ground for an accusation. But for every busy fellow to turn inquisitor is a thing insufferable; how far it falls thus, in this particular, I know not. Bribery, as I

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would define it, is where a judge receives a reward against the innocent; Extortion is done, when money is wrung from the subject by the greatness of a man's power, and by the denial of justice; Misdemeanor is, when a man abuseth his place, and oppresseth the poor subjects. I have discussed this point, and I do not doubt but, when he comes before you, you will hear him with temper and patience.—Now, my lords, I speak for justice; if this party have done so, after such an example shewed the last session, his fault is double; for he came in upon a reformation, and he discovered the corruptions of others. This I would say to you, if I was to die this hour: errors by mistaking, God forbid that you should be rigorous in censuring them; but errors that are wilful, spare them not.—Some curious men may say, peradventure, he might, in some points, have done better; but this is not criminal in him: but if, by deceit and cozenage, by helping himself, he hath hindered my estate, he is worse than a devil. Treasurers cannot be barred from sueing, and the king's liberality no man can controul. If he hath helped himself, with the king's loss, I speak not for him.—Lastly, there are divers things laid to his charge, which were done with my knowledge and approbation; let him bear no charge for that, for that is mine, and I must bear it. For if you question him for any such thing, you punish me; if any thing touches upon him in that kind, either meddle not with it, or stay and know the verity from me. I love my servants, God is my witness, but it is only for virtue's sake; and he is an unhappy master that doth not love a faithful servant. But, if there appear in any of them falshood and treachery, and deceit under trust, my love is gone. If, of an angel, he become a devil, I will never excuse him: I will never maintain any man in a bad cause: 'Et sic finitur fabula.'"

The Report of the King's Speech being made, the lord keeper observed further, "That his maj. said, he did not deliver this speech out of any suspicion of their lordships, but only in discharge of his duty and conscience." Which the house ordered to be entered.—The Lord Treasurer being to appear this day at the bar, it was first agreed, That when his ldp. came he should kneel. And being brought to the bar, by the gentleman usher, not having his staff in his hand as lord treasurer, he kneeled until the lord keeper willed him to stand up.

The Attorney General opens the Charge against the Lord Treasurer as Master of the Wardrobe.

Then mr. Serjeant Crewe came to the clerk's table, and opened the Charge against him to this effect:

"The Commons of England, being the general inquisitors of the sores and grievances of the kingdom, have presented their Complaint against this great lord and officer; whereof, and of other misdemeanors, their lordships have before taken cognizance. That he is to charge him, the Lord Treasurer, with Violation and Breach of Trust, in defrauding the king who trusted him; and with Bribery and Oppression.—That he would begin with his lordship's misdemeanors in the office of the Wardrobe; and shew, That, heretofore, that office being very expensive to his maj. by reason of the charge and provision of his maj. for the queen, for prince Henry, the queen of Bohemia, and the prince's highness that now is, he, the said lord treasurer, informed his maj. of the greatness of his charge, and that he would save his maj. a great part thereof; whereupon he procured the office to himself; but he stood charged with nothing, save the ordinary provision for his maj.—He is made Master of the Wardrobe, Sept. 14, 16 Jac. And, Dec. 26, 18 Jac. the king reciting, "Whereas we had certain notice that sir Lionel Cranfield, in the execution of the said office, hath so directly and carefully performed the said trust, in that behalf committed to him, as that, by the small time of his service there, great sums of money have been, and are likely, yearly, to be abated, in comparison of former expences therein for some years past: and also that, by the continuance of his care and good endeavours in the said service, our former great yearly expence of the Wardrobe hath been reduced within the sum of 20,000l. and yet with the maintenance of the former state thereof: and that of 20,000l. assigned for the queen's Funeral, he had received 15,500l. and no more; and that the said sir Lionel by his discreet and careful performance of that trust, hath, with the said 15,500l. discharged the said Funeral honourably, and in such sort as was requisite, and hath brought the said charge within the sum of 15,500l. and yet there were black cloths and stuffs to the value of 2000l. or thereabouts, and some part also of the said money saved:" the king, thereupon, grants him all that he had saved of 20,000l. for the year ended at Michaelmas, 1619, and for another year ended at Michaelmas, 1620, the ordinary charges deducted; for which sums he agrees to discharge the ordinary charge of the Wardrobe; and the king grants the black cloths, stuffs, and monies unto the said sir Lionel, remaining of the said 15,500l. for the Funeral, for his disbursements for the ordinary of the Wardrobe, for which he was to account; but not for the surplusage which he saved of the 20,000l.—Dec. 27, 18 Jac. the king makes the same Recital, 'ut supra;' and, having given the surplusage for 2 years before, doth now continue it for life, yearly at Michaelmas, upon his account, for the Wardrobe, the necessary disbursements deducted, and gives him the surplusage without further account.—Jan. 11, 19 Jac. the lord treasurer surrenders his Patent. Note, He got, in these last 3 years, 8000l. per ann. and had 6000l. given him at his farewell. In toto, 30,000l.—Jan. 18, 19 Jac. the king pardons him all sums of money received by him for the Funeral or Wardrobe; and he covenants to discharge the king of such debts as were due by him for the Wardrobe.

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By this it appears how the king trusts the lord treasurer, being master of the Wardrobe, and what expectation the king had of his extraordinary service; that the expences should be much abated and diminished, and yet the state of the Wardrobe maintained by competent and sufficient supplies, and that what the supplies were, should appear upon account; and thereupon the account was directed by the patent. —And now see, my lords, how the Wardrobe is brought into confusion, and how far it is from the old state thereof; which, by the patent of my lord, should have been maintained. And, in this, will appear unto your lordships plainly, Breach of Trust and Fraud.—The warrants to be served for the Wardrobe, came from my lord chamberlain, from the master of the household, and from the groom of the stole. The warrants and emptions thereupon were usually, heretofore, entered in the clerk of the Wardrobe's books, that the provisions and particulars supplied might appear; but, in my lord treasurer's time, no warrants are brought in or entered; no emptions entered, nor book of expences kept by the clerk, as it ought to be.—The clerk should have surveyed the parcels; but could not, through my lord's default; neither is there any Account made as ought to have been: and all this is contrary to the patent, to the prejudice of the king, and of the officers and workmen in the Wardrobe. And, to the end his proceedings in that office might not be discovered, this ensued further upon it, that the warrants were served short, and many not served at all; those that were served, were base and ill, stuffed with great delay and long suit; and yet the suitors for the same were slighted by my lord and his officers.—And although my lord had his money impressed to him, yet he made slack and slow payments, with great abatements of the prices formerly allowed. And, at my lord's departing from the office, in Jan. 19 Jac. he gets a pardon for all he hath received, without any Account, and obtained a lease of the Sugars, for a recompence of his surrender of that office."

Mr. Serjeant Crew having thus far opened the Charge; the clerk by his direction, read the Depositions of Witnesses taken to prove the same: which depositions will be found at length in the Lords' Journals vol. 3, p. 345, after which the lord keeper moved, That the lord treasurer might answer his particular Charge touching the Wardrobe. His ldp. thereupon demanded Ink and Paper, and had it.

### The Lord Treasurer's Answer as to the Wardrobe.

Then the lord treasurer answered, "That his maj. used his service in many particulars touching his estate; as, in the Navy, the Household, and Wardrobe. That he found the expences of the Wardrobe of a vast sum; every one made what bills they would, and did set what prices they would. When he was master of that office, he sent for the artificers, and, told them, That he would not look upon what was past; but that hereafter, the prices should be reasonable, and the king's money should be ready, and they duly paid. That there were many fees to be quarterly paid in the Wardrobe; all which were duly paid. As for Canning and Pulford, he gave them 2s. in the pound more than another would have sold for: he bought little of those of the Wardrobe, but chiefly much of the merchants: and had a good merchants shop in the Wardrobe, and bought of the best.—That Pulford complains not of a hard price, but that he had not the ancient price.—As touching the not serving of divers warrants, That his business being many, he referred those to his servant Colebeck; That not above the value of 7 or 800l. remained unserved; whereas he hath laid out 6 or 7000l. upon the Extraordinaries of that office; as, for furnishing Ely house for the Spanish ambassador, a rich barge cloth for the king, and many other things; and that he gave the earl of Carlisle, his predecessor in that office, 3000l. —As touching the baseness of the Stuff served in, he desired they might be compared with those formerly served in; and affirmed they were much better.—And whereas some complain they were slighted, when they were suitors for the warrants to be served, his ldp. desired they might be examined, whether they were slighted by him or no.—As touching the Account, his ldp. answered, That, by the patent, which was read, he was to account; but that he had another patent, if he be not deceived, without account; which his ldp. delivered: and the clerk read the same; and also his maj.'s explanation upon the lease of Sugars, granted to the lord treasurer, upon his surrender of the Wardrobe."

Then mr. Serjeant Crew observed to the Lords, out of both those, "That his ldp. was to account for the ordinary disbursements of the Wardrobe."—The Lord Treasurer answered, "That he conceived he was not to account: That he first reduced that office from the vast charge he told the king of; and whereas he was allowed 20,000l. per ann. for the same, he told the duke of Buckingham, 2 years since, that he got too much thereby; and that it might be defrayed for 12,000l. per ann.; and that he, having reduced that office from 30, nay 40,000l. per ann. unto 12,000l. is a good account.—Hereupon divers lords presently affirmed, That the duke of Buckingham had acknowledged, that the lord treasurer, when he was to surrender the wardrobe to the earl of Denbigh, did acquaint his grace with the greatness of gains in that office; but, to the end he might have a great recompence, first he named 4000l. per ann. and afterwards 6000l. and that this drew on the lease of Sugars to his lordship. Then mr. Serjeant Crew observed, That the Charge against the lord treasurer is upon proof; his lordship's Answer upon averment; which he humbly referred to their lordship's consideration. And thus ended the Charge touching the Wardrobe." And then the lord treasurer was withdrawn.

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"The Lord Keeper removed to the earls bench, to satisfy the house touching the lord treasurer's speech," That the duke of Buckingham knew of his gains in the Wardrobe; and told their lordships, That he well remembers, that when the duke of Buckingham moved his maj. to place sir Lionel Cranfield treasurer, (which he desired, though afterwards he seemed unwilling) that then the king required the surrender of the Wardrobe to the earl of Denbigh. That when the lord treasurer heard of it, he magnified the profits of the place; first to the duke, that it was 4000l. per ann. 2ndly to the king, that it was worth 6 or 7000l. per ann.; whereby he got the Lease of Sugars at 4000l. per ann. less than they are worth; and his successor, the earl of Denbigh, had 4000l. per ann. less than his ldp. for disbursements of that office of the Wardrobe. That the duke being moved at this, the lord treasurer then told his grace, that his gains in that office had been 6000l. per annum; nay, more than he could well tell; and, till then, his grace knew not of the great gains of that office; and if his grace, who hath been ever careful for the king's profit, had known of it sooner, the lord treasurer had not held that place so long; for his grace is 'amicus usque ad aras.—Then it was ordered, That the lord treasurer be warned to be here again, at 2 in the afternoon at the bar."

May 7, p. m. The lord treasurer being brought to the bar, as before, kneeled not until he was remembered thereof by the lord keeper; then he kneeled, and the lord keeper willed him presently to stand up. The king's attorney being commanded to open the second Charge against the lord treasurer, his ldp. said, "He was unprovided in the morning for the Wardrobe; and besought their lordships to take into their consideration, that he is denied counsel to speak for him, being charged with great matters, for it may be their own case; and he hath precedents, as he is informed, that he might have counsel allowed him: that, however, he would speak out of his own strength; but desired their lordships, that, if he forget any thing, no advantage be taken against him," unto which their lordships agreed.—The lord treasurer made two other requests; the one "for that his witnesses have not fully answered touching the Wardrobe, that he might have a re-examination upon the same interrogatories." This the house denied, as not usual to be granted in other courts, after publication, for that it might produce perjury. His lordship's other request was, "That he might produce his proofs, or records, that the workmen of the Wardrobe were paid:" which was also denied; for that the non-payment of the workmen is but an accident to his Charge.

The Attorney General proceeds on the Charge of Bribery.

Then mr. Attorney was willed to proceed: and he proceeded in this manner, viz.—"The second Charge wherewith the Lord Treasurer is charged, is for 3 several Corruptions; two of them disguised under the shadow and pretext of a bargain; and the third of a new-year's gift. Concerning the two former: it cannot be denied, That, Feb. 6, 17 Jac. his maj. did lease unto sir Nich. Salter, and others, the customs and imposts of French and Rhenish Wines, from Michaelmas, 1622, for 9½ years; and did covenant with the lessees not to lett any new imposition upon the wines, during the continuance of that lease, without the assent of the lessees. And, Jan. 19 Jac. the king made a lease unto sir John Wolstenholme, and others, for divers years, of the great customs; in which lease there was a covenant, on the part of the farmers, that they should put in security for the payment of their rents; and, for performance of this covenant, they were to have the allowance and warrant of the lord treasurer, without which the king's remembrancer would not take their bonds. Jan. 14, 19 Jac. a new impost of 3l. per tun, was set upon the Wines; and the same being done without the consent of the farmers, and to their great damage, they were to expect recompence for the same upon their covenant. Upon these two occasions, the farmers of the several farms were necessarily occasioned to become suitors to the lord treasurer; the one for recompence and reparation of their loss, the other for allowance of their security, and his warrant to accept it.—The farmers of the Wines began their suit to the lord treasurer about Jan. or Feb. anno 19 Jac. and continued it with much instance until Dec. anno 20 Jac. 10 or 11 months together without success; whereupon they found means to have access to the king himself, and represented their grief by an humble Petition; which his maj. answered most graciously, and gave strait charge to the lord treasurer to give them a speedy dispatch, and conclude with them upon such a recompence, as in honour and justice was fit. And thereupon, Dec. 31, 1622, the lord treasurer did agree with them, that they should be allowed 9500l. to be defalked in 9½ years out of their rent, after the rate of 1000l. per ann. This being agreed on, they were to have his lordship's warrant to the king's attorney, for drawing a book according to the agreement; which warrant was speedily prepared and drawn by his lordship's secretary; but delayed from Dec. 31, an. 20 Jac. until June 24, an. 21 Jac. And the farmers of the Great Customs having divided the farms into 32 parts, every of which part was to give his maj. security of 1500l. for payment of their rent, they presented their security to the lord treasurer, who allowed and gave warrant to the king's remembrancer to receive it; but the parties unto whom five of these 32 parts were allotted, falling off and relinquishing their parts, the four patentees of the farm resolved to resume those parts to themselves; and thereupon tendered the lord treasurer their own security for those five parts; which he agreed to accept, yet protracted them till June, an. 21 Jac.—The business of both

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farms thus delayed, and it being conceived that money was expected, the farmers of the Wines resolved to present the lord treasurer with 500l. and they of the Great Farm resolved of the like sum; and mr. Abraham Jacob being a partner in either farm, was entrusted severally by the farmers of each farm, viz. 500l. a-piece, to be presented to the lord treasurer; which he paid in one entire sum of 1000l. to mr. Catchmay, the lord treasurer's steward, June 27, an. 21 Jac. by the lord treasurer's appointment; and thereupon the business of both farms had a dispatch by the lord treasurer's means.—But to palliate and disguise these two corrupt gifts, the lord treasurer then pretended to have 4 parts of the Great Farm divided into 32 parts; and, in his Answer touching these Corruptions, justifieth the taking of 1000l. by way of bargain for those 4 parts from the farmers of the Great Customs: this Answer being disproved, and it being made plain that he had no part in that farm, it must needs follow that the money was taken corruptly, for the dispatch of the farmers business and, for manifestation hereof, it stands proved.—That upon the treaty of the bargain for the Great Farm, the lord treasurer propounded to the farmers to have some parts in the farm, not for his own benefit, but to dispose of amongst his friends; but this was rather a proposition than any settled resolution or conclusion: for the farmers doubting, lest, by this pretence, some partners might be put on them with whom they were unwilling to join, desire the lord treasurer, that they might make choice of their own partners, and, if their farms prospered, they would be thankful unto his lordship.—This thankfulness was afterwards performed on their part, for they raised his usual new-year's gift from 1000 marks to 1000l. and, upon this request of the merchants, the lord treasurer waved his proposition of having the disposal of any parts in the farm; which appeareth not only by the plain and express testimony of many witnesses, but by these proofs following, viz. 1. The lease of the Great Farm bears date, Jan. 1, an. 19 Jac. between which time and April 29, an. 20 Jac. the farmers divided the whole farm into 32 parts, allowing to each man his part, and reduced the same into writing, expressing therein the sum of the security which every man was to give, without mentioning therein any parts reserved to the lord treasurer, or his friends; and this writing, being tendered to the lord treasurer, April 29, 1622, was by him allowed, and warrant signed by him to the king's remembrancer to take security accordingly. 2. When the partners, to whom 5 of these parts were allotted, fell off, and would not give security, the patentees resolving to take those parts to themselves, tendered their own security to the lord treasurer, and he agreed to accept it; and, though he protracted it long, yet he did not, in that long time of delay, challenge any parts until about June, 1623. 3. The farmers resting secure about that proposition, did, after the 29th of April, 1622, divide the whole farm by indentures, allotting to each man his due part, without reserving any for the lord treasurer. 4. At Christmas, 1622, the first year of the farm ended; and this year's profit was, by account, in April 1623, divided among the partners reserving no share to the lord treasurer. 5. But the truth is, That all this time the lord treasurer rested quiet, and neither did nor would challenge any parts; the farm being of that small expectation of benefit, as 5 partners gave over their parts, rather than they would give security; but, about June 1623, the farm being grown more hopeful by the return of some East India ships, the lord treasurer having in his hands the business of both farms, which he had so long delayed, meaning to make this a veil and cover for taking those corrupts gifts, then pretended to have four 32 parts, which he had waved so long before. 6. The lord treasurer appointing Catchmay, his servant, to receive the 1000l. of Jacob, which was received the 27th June, 1623, forbad him to give any acquittance for the money, but to leave that to himself and Jacob; which, had it been paid upon a plain bargain, he never would have done. 7. This money was entered into the Accounts and Books of the said Farms; for in the Journal books of the Petty Farms, July 31, 1623, there is 500l. entered to be paid and presented to the lord treasurer, by the hands of mr. Jacob, for a gratification of his favour in accommodating an allowance of 1000l. per ann. to be abated of their rent for the time to come; and the like entry was made in the ledger of the same farm. And, Dec. 20, 1623, upon the general Account of that Farm, this 500l. is put to account, as a gratuity given to the lord treasurer, and is borne rateably by all the partners of the farm, of which account many copies were given out to the partners; and, for the other 500l. there is extant a warrant, dated July 29, 1623, subscribed by sir John Wolstenholme and Henry Garraway, two of the farmers of the Great Farm, directed to Williams, the cashier of that farm, to pay to mr. Jacob 500l. given by him, by order of the farmers, to the lord treasurer, for a gratuity, and to put it to the account of the farm; which was done accordingly: and these Accounts stood in this manner till Feb. last, after the parliament was summoned; and then the lord treasurer caused Jacob to procure the 500l. that was set upon the Petty Farms, to be altered from thence, and to be charged upon the farmers of the Great Farm; and satisfaction to be given to the partners of the Petty Farms of their proportionable parts they were charged with for that 500l. upon the aforesaid Account of the 20th Dec.; and as many as could of the dispersed copies of that account to be gotten in. He also procures Jacob to write a letter to his ldp. and to antedate the same in June before; by which Jacob did intimate, that the 1000l. was given his ldp. for four 32 parts of the Great Farm; and himself made an acquittance to Jacob with the like antedate, acknow-

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ledging that 1000l. to be received for those four parts; which indirect courses of changing the accounts, and antedating the said acquittance and letter, manifesteth that the former proceedings were not sincere, but were to be converted and blanched with these devices. Touching the said Corruption, shadowed under pretext of a New-Year's-Gift, it stands proved, That, at Christmas last, 1623, the farmers of the Petty Customs presented the lord treasurer with a tun of wine, intending to have added to it a pipe of Canary wine, or the best sack; but the lord treasurer misliking the smallness of their present, urged them to a further gratuity in money, and thereby obtained from them, besides the wine, 100l. in money."—The Charge being thus opened by mr. Attorney, the clerk read the proofs, which will be found in vol. 3, p. 352, of the Lords' Journals.

The Lord Treasurer's Answer to the Charge of Corruption.

The Lord Treasurer answered, "That the greatest part of these proofs swear not that they of the Petty Farm gave him the 500l. That it is true the great farmers paid it to his ldp. and laid it on the Petty Farm, and deceived them and abused his ldp. thereby. He denied that the petty farmers were suitors to his maj. at such time as is affirmed; but they complained to his ldp. and he directed them to exhibit their bill into the exchequer chamber, and ordered mr. Attorney to answer it: That they liked it not; but, by some powerful means, delivered a Petition to the king (a very scandalous petition against his ldp.) which the king referred to the chancellor and himself: That they demanded an allowance of 10,000l. to be presently made, and he allowed them but 9500l. to be paid in 9½ years; for which he deserved no bribe: that his warrant to the attorney was delayed for these two causes: 1. For that his ldp. propounded to buy in their farm for the king. 2. For that their warrant was not drawn as it ought to be."—Touching the Great Farm, his ldp. said, "He would make it appear, that he had reserved four 32 parts therein for himself and his friends; and alleged, That those farmers have confessed that, their farms prospering, he thereupon did demand a recompence for his part." Here his ldp. read the Heads of his Proofs out of a paper, and then required that the examinations taken on his part might be read; which were read accordingly by the clerk.—See Lords' Journals, v. 3, p. 358.

Then the lord treasurer made a brief repetition of his proofs of his interest in some 32 parts of the Great Farm; and took exception against the testimony of Jacob, for it varied in time of payment of his 1000l. from the testimony of Hyde. And his ldp. affirmed, "That the 500l. was misplaced by him, the said Jacob and two more, on the farmers of the petty farms; whereas he received the same only for his interest in four 32 parts of the Great Farm." And as touching the antedated letter, and the antedated acquittance, his ldp. said, "That they were so done, lest Jacob should die, and so his testimony be lost." Unto which mr. Attorney replied, "That it is sufficiently proved, that the said lord treasurer, neither when he received the 1000l. nor long before, had any right to the said 32 parts: and thereupon he stated the case as before, and rehearsed the 7 reasons by him formerly alledged, to prove that the lord treasurer had waved his proposition of having the disposing of any part in the Great Farm. And, as touching the lord treasurer's exception to the testimonies of Jacob, for that it varied in time from Hyde, mr. Attorney shewed, that Jacob deposeth, That he paid the money to the lord-treasurer on the 27th of June, 1623, by direction from the farmers, and Hyde swears, That the money was delivered to Jacob the 31st July, 1623; which was by way of allowance back again, so no contradiction between them.

Then the lord treasurer protested, "That, as he shall answer it at the fearful day of Judgment, he received that 1000l. for no other consideration than for his share in the four 32 parts." And as touching the third Corruption, by way of a New-Year's-Gift, he said, "That nothing belongs to the lord treasurer's place but 20s. per diem, the sale of the places when they fall, and the new-year's-gifts; and denied, That he urged them to any certain sum." All which, he said, he would humbly leave to their lordships honourable consideration; and, withall, requested their lordships to forbear his further attendance here till Monday next, because he had spent his spirits so far, that his cause might otherwise suffer thro' his weakness." And so withdrew himself.—The Lords granted his request, and commanded the gentleman usher to signify so much to his lordship; and further ordered, that he should attend their lordships here again on Monday next, at eight in the morning, at the bar. An order was signed by the clerk accordingly, and sent to the lord treasurer.

May 8. The Lords received from the Commons this message 'That the Commons do humbly desire to know, what time their lordships will please to appoint for a conference touching the bill on Monopolies. They do also desire a conference touching some Accusation against the lord bishop of Norwich, unto which his ldp. has not yet been heard; humbly leaving the time and place to their appointment. And they do earnestly recommend to their lordships consideration, that general peace-maker of England, the bill of Concealments. *Answ.* The Lords have appointed a conference concerning Monopolies this afternoon, at 3 in the Painted Chamber. They have not yet resolved of a time for the conference touching Accusations against the lord bishop of Norwich; for that divers of the lords are now absent: but, as soon as they can conveniently appoint a time for the same, their lordships will send to them by messengers of their own. As touching the bill of Concealments, their lordships have taken the same into their serious con-

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sideration; and it is only deferred for that all the king's council, who are appointed to attend the same, are, at this time, otherwise employed: but their lordships do promise all possible expedition therein.

### Proceedings against the Lord Treasurer on the Lease for Sugars.

May 10. The lord keeper put the house in mind of the Business concerning the Lord Treasurer, to be proceeded in this morning. And his lordship being brought to the bar, mr. Serjeant Crew opened the charge against him on the Lease of Sugars, in this manner:

"Quarto Decembris, 18 Jac. The king leaseth to George Herriot the impost on Sugars, to hold from Christmas following, for 3 years, at the rent of 5666l. 13s. 4d. per ann. payable at Midsummer and Christmas. Duodecimo Jan. ano 19 Jac. The lord treasurer procures Herriot to surrender that lease; and, the next day, takes a lease thereof from the king, unto Nicholas Harman and Tho. Catchmay (two of his servants) unto his own use, at 2000l. rent per ann. and lets the same unto the farmers at 6000l. per ann. and, to effect this surrender, gives order, in a time of scarcity of money, for the payment of 14,865l. due unto the said Herriot for jewels, which was paid, between the 15th of Dec. 1621, and the 10th Jan. following, in this manner, viz. 7000l. odd money, out of the arrears of the said Herriot's rents, and 7000l. odd money, out of the Tobacco Farm, by way of anticipation.—The crime objected against the lord treasurer herein is this: had Herriot's lease continued, Herriot's debt had been paid out of his rent; and the said treasurer has not only caused the said lease to be surrendered, and procured a new lease thereof unto his servants, to his own use, at a far less rent; but hath laid 7000l. of that debt upon the Farm of Tobacco: and this he hath done in a time of scarcity of money, even then when he caused the impositions to be laid on the wines for a supply for the Palatinate: and further, he hath paid the smaller rent of 2000l. per ann. very slowly unto the king; an arrear of 3000l. thereof being paid since the 31st of Dec. last, after the summons of this Parliament. And whereas, for the advancement of trade, the merchants, upon the exportation of their merchandizes, are repaid their custom, which they formerly paid upon the importation: this is denied upon the exportation of Sugars, to the damage of the merchants, and for the lord treasurer's private gain." Then the clerk read the proofs; see Lords Journals v. 3. p. 364.

### The Lord Treasurer's Defence.

As to this part of the Charge, the lord treasurer confessed, "That the lease to Herriot was at the rent of 5666l. 13s. 4d. and the lease to his own use, (upon the surrender) at 2000l. rent, and that he hath let the same at 6000l. per ann. and affirmed, That his maj. was first acquainted with it, and well allowed thereof. Hereupon the lord keeper signified to the house, that the king had commanded him to tell their lordships, That his maj. understood that the lord treasurer should gain by his lease 4000l. per ann. So there was no further proceeding in that point of the charge.—The lord treasurer also confessed, "That he paid Herriot 14,000l. odd money; but affirmed, "That it was a just debt, and that Herriot had a power to pay himself, by a privy seal, out of his rent." His ldp. denied, "That he paid 7000l. of that debt out of the Tobacco Farm, by way of anticipation; and said he only transferred it from the Sugars to the Tobacco, and justified the same; for that the king's meaning was, That he should have 4000l. per ann. out of the impost for Sugars, presently upon his surrender of the Wardrobe: and the king lost not by it, for he, the lord treasurer, had, for the disbursements of the Wardrobe, 20,000l. per ann. which he hath now settled at 16,000l. per ann. and yet the king's state therein maintained and a noble gentleman rewarded."—Touching the slow payment of his rent, he denied it not; but said, "He had disbursed as much or more, before-hand for the king in other matters."—As touching the impost not returned upon the exportation of Sugars, his ldp. denied, That it was ever demanded of him; and affirmed, that if it be due, then the farmers are tied by his lease to them to repay it; but if they be not so tied, that then he will pay it all, both for the time past and to come." And thus ended the Charge for the Sugars.

### The Charge as to Groceries.

Then mr. Serjeant Crew opened the Charge against the lord treasurer, touching his lordship's warrants to levy compositions for purveyance of Grocery in the out-ports, after this manner, viz. "That the city of London did compound with the king for Grocery: but the out-ports refused, especially Bristol, and yielded to purveyance in kind; and that Bristol had an order for this in the exchequer, in the time of Robert earl of Salisbury, late lord treasurer: yet, notwithstanding this, the lord treasurer directed his warrants to levy this composition; and, altho' it was not due to the king, nor any such composition entered into the compting-house, his ldp. commanded their goods, then in the ports, to be stayed, and not entered, till it was paid, or bonds given for it; and thereby constrained some ports to pay it, and the merchants of Bristol, who denied it, to attend his ldp. ten weeks together, to be discharged; and yet bonds were exacted from the merchants of Bristol for the payment thereof, after the lord treasurer was acquainted with the said order in the exchequer, even till the summons of parliament; for which mr. Serjeant Crew charged the lord treasurer with oppression and extortion, contrary to his lordship's oath, 'To do right to the poor and rich in such things as concern his office.'—Then the clerk read the proofs. See Lords' Journals, vol. 3. p. 365.



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The Lord Treasurer's Answer.

The lord treasurer answered, "That herein he did but his duty; and that if he had neglected it, he had not done his duty: that he required nothing to be done, by his Warrants, but what was accustomed in queen Elizabeth's time, and in all the king's time: that his Warrants were according to the usual form, and general to all the ports, not knowing that Bristol was exempted by the order in the lord treasurer Salisbury's time, until afterwards: that when knew of it, he yielded to their request, and Guy went away well satisfied with his Answer: and that none had benefit by the composition, but the king only."—The Clerk read the Examinations taken on his lordship's behalf, after which.

Mr. Serjeant Crew replied, "That there is no table in the Custom-House, to shew any composition for the out-ports; and caused the Clerk to read the Examination of John Guy, on the part of the lord treasurer, taken May 1st, 1624, which agrees, in effect, with his former Examination, taken for the king; and that after he, and others of Bristol, had long petitioned the lord treasurer to have their bond cancelled and delivered, which they had entered for the payment of the said composition, they could not obtain any thing, save some good hopes and fair words from sir Simon Harvey; and that their bonds are yet detained."

The Lord Treasurer affirmed to the Lords, "That himself knew this Composition to be paid by the out-ports, and that his warrant was only to levy the same, as formerly it had been paid; and promised to send Barret's books and some notes out of the compting-house, to prove the payments thereof heretofore by the out-ports."

The Charge as to unlawful bargaining for sir Roger Dallison's lands.

May, 10 p. m. Mr. Attorney General proceeded to the Charge concerning the Office of the Ordnance, and the unlawful Bargain for sir R. Dallison's Lands, in this manner, viz. "That another Charge whereof the lord treasurer is accused, is concerning the Office of Ordnance, and the unlawful Bargain for Dallison's Lands; in which will appear that the lord treasurer, for his own private benefit, contrived and prosecuted divers unlawful bargains; and in the mean time neglected wholly that which concerned the public, which was the furnishing the Office of Ordnance with emptions and stores, for the safety of the king and his kingdoms.—Concerning the Bargains, it stands proved, That sir Roger Dallison, being lieutenant of the Ordnance, became indebted to the king in 9962l. for monies impressed for that office, but not employed: and that sir Roger Dallison and sir Tho. Mounson were indebted to the king by bonds to the value of 3100l. which bonds were forfeited for not bringing certain stores to that office; both which debts amounted to 13,062l. and the Lands of Dallison were extended for 9962l. and the lands of Mounson for 3100l. And that July 20, 18 Jac. the king assigned these extents to Francis Morrice, clerk of the Ordnance, and others in trust for the officers and creditors of that office, towards satisfaction of so much of their debts.—The lord treasurer, being a commissioner for his maj.'s debts, July 28th, 1621, bargained for those extents; and by the articles under his hand agreed to give for them 1062l. in hand, and 12,000l. more, by 1000l. per ann. for 12 years, beginning at Lady-Day, 1623; and also to do his endeavour to procure payment of an arrear of 8000l. more, due to that office from his maj. but, before this bargain was performed, at Michaelmas following, he became lord treasurer; and when they expected payment of the 1062l. and security for the rest, he propounded that, in lieu of the 12,000l. to be secured, they should have his part in the Farms of the Petty Customs for 9 years, valued to be worth 1000l. per ann. for the two first years, and afterwards 1400l. per ann. which, according to that rate, would yield in 9 years 11,800l. but cost his ldp. only 3750l.—He being then lord treasurer, on whom they must depend both for the payment of the arrears, and for future favours, they accepted it; not meaning to lose their 1062l. payable in hand, but it was then again directly agreed they should be paid their 8000l. arrear out of his maj.'s coffers.—In 1621, Assurances were prepared, and the creditors required to seal, being promised to have at the sealing their 8000l. arrears, and expecting their 1062l. from the lord treasurer, whereof they never conceived a doubt; but so soon as they had sealed, they were sent away without any money, being promised to receive their 8000l. within 3 or 4 days after, which was not performed in so short a time; but was, after, paid in divers several payments out of his maj.'s money: but the 1062l. which was to have come from himself was absolutely denied, the lord treasurer affirming, that as well that 1062l. as the other 12,000l. was all concluded and recompensed by the interest in the Petty Farms; whereupon a new difference grew against them: but in the end they were enforced, in lieu of that 1062l. to accept of a further interest, which his ldp. had in the Petty Farms, for an half-year after the 9 years were expired, esteemed worth not above 400l. to be sold: and it was then further agreed that his ldp. should then pay them out of the king's money 1000l. due to the office over and besides the former 8000l. of which 4000l. his ldp. hath since caused to be paid 3303l. But whereas the Petty Customs were valued to them to be worth for the first 2 years 1000l. per ann. it appeareth that, in the two first years, it yielded them but 1419l. 7s. 7d. being all the money that grew due to them out of the profits of those farms at Michaelmas last; whereas if they had kept their extents of Dallison's and Mounson's lands, they should have received by Lady-day last almost 7000l. for part of their debt.—In which bargain, (besides the oppressions and extremities put on the poor creditors and officers

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of the Ordnance, that might ill undergo a bargain of so much disadvantage and loss) are observed two corruptions; the one, in bargaining to pay the 8000l. arrears, for though that was agreed before he was lord treasurer, yet he then was trusted as a commissioner for the king's debts; and, being after lord treasurer, performed that corrupt agreement made before.—The other Corruption was, in agreeing to pay the other 4000l. for as it is a corruption in a treasurer to pay the king's due debt for money given unto himself; so it is to pay the king's debt, for gaining to himself a bargain by which he either had or did expect advantage; and though the lord treasurer, in his Answer, doth pretend he is a loser by Dallison's lands, it is certain that whatsoever his gain or loss prove upon the other bargains for the inheritance of the lands, this bargain with the officers, taken by itself alone, was beneficial; and if it were not, it is all one: for if a judge, or treasurer, bargain for a Bribe, though he never receive it, he is corrupt; for it skills not what he had, but what he aimed at and expected.—About the same time that the lord treasurer bargained for the extent aforementioned, viz. 28 July, 19 Jac. he contracted with sir Tho. Mounson, for the inheritance of the same lands.—For sir Roger Dallison, after he became lieut. of the Ordnance, conveyed the inheritance of his lands to secure sir Tho. Mounson of divers great debts and engagments; so as the inheritance of those lands, after the king's extent, was in the dispose of sir Tho. Mounson, who bargained for it with the now lord treasurer; and upon that bargain, the lord treasurer agreed to free sir Tho. Mounson's own lands of the 3100l. debt, to pay in 3000l. in money, and to procure the making of him six baronets and some other fit suit from the king; and when the baronets could not be obtained, the number being full then, the lord treasurer procured him another suit of 2000l. value, as his ldp. esteemed it, viz. For compounding with the king's copyholders of Wakefield, to reduce their fines to certainty, for which suit the lord treasurer was a referee from the king; and, for accomplishment of this bargain made for his own private gain, he gave way to that suit, whereby so much was to be taken for his maj. yet there rested another bargain to be made, for sir Tho. Dallison, the son and heir of sir Roger Dallison, pretended title to those lands by an old entail; and the lady Dallison, widow of sir Roger Dallison, claimed to have the third as her dower; and the lord treasurer having entered into treaty with them, and finding their demand not suitable to his desires, he, to make them the more complaint, threatens them by his extent, to keep them without any thing for an 100 years; to lay upon sir Tho. Dallison certain forfeited bonds, which, upon the agreement with the officers of the Ordnance, were transferred to him; and he sends for sir J. Wolstenholme, whose son had married sir Tho. Dallison's sister, and rebukes him as an hinderer of his lordship's proceedings with Dallison: and by these and other like means, for an annuity of 200l. per ann. procures a release of their title; and whereas sir Roger, being possessed of a lease of great value, had assigned the same to sir John Davis, for security of money owing to him and sir R. Smith, which lease, for non-payment, had been long forfeited, and the possession gotten by sir John Davis upon a trial and recovery at common law, which possession had continued divers years; the lord treasurer, by this agreement with sir Tho. Dallison and his mother, by way of unlawful maintenance and champarty, bought their title to this lease; and having hedged in those lands and the title to this lease, exchanged the same with sir Arthur Ingram for other lands; and then to gain the possession of those lease-lands from sir J. Davis, and sir R. Smith, and to make good this exchange, an old outlawry against sir Roger Dallison, before the assignment made by him to sir John Davis, is sought out, the debt being many years past satisfied; by colour of which outlawry, and the power and countenance of the lord treasurer, this lease was seized into the king's hands, and sir R. Smith and sir John Davis thrust out of possession; whereupon they endeavoured to reverse the outlawry in the common pleas, and the better to effect it, they procured an administration of the goods of sir Roger Dallison to be taken by one Camben a creditor of sir Roger's, to the intent the said administrator might sue to reverse this outlawry; but the lord treasurer to prevent them therein, interposeth in the king's name, and in his maj.'s behalf, to revoke that administration; and the better to countenance the business, sends a case to the king's attorney grounded upon other matters without mentioning the outlawry, which was the chief thing in question; and having obtained his opinion in that case, sends a warrant to the king's advocate, to proceed in the ecclesiastical court as for the king; and in a matter much touching the king, to proceed for reversal of the administration; and in the end, by his means the administration was revoked; and afterwards, the matter coming in question in the Common Pleas, there also he interposed himself; and sent to the judges of that court, whereby sir R. Smith and sir John Davis were at last enforced to accept of a composition: now, in truth, this matter no ways concerned the king, for this lease was never extended for Dallison's debt; and before the lord treasurer interposed in the ecclesiastical court he had caused a petition to be made in the name of sir Tho. Dallison and his mother to the king; and a reference thereupon to himself for this lease, among other things; it being secretly agreed between him and Dallison, that the whole benefit of this lease, when his maj. should be pleased to pass it, should be at the dispose of the lord treasurer.—And whereas the lord treasurer would excuse those proceedings, as being after he had transferred all to sir Arthur Ingram: it is evident that the lord treasurer thus interposed; which must be either for his

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own benefit, to support his own bargain, or meerly by way of maintenance; and, either way, his doings are most unwarrantable, to use such rigour in the king's name, either for himself or sir Arthur Ingram."—Mr. Attorney having thus opened the former part of this Charge, the clerk, by his directions, read the Proofs.

The Lord Treasurer's Answer.

The Lord Treasurer said, "It is true that he, being a commissioner for the king's debts, did advise the said officers of the Ordnance to accept of a lease of the lands of sir Roger Dallison and sir Tho. Mounson, extended for the king for 13,062l. viz. Of sir Roger Dallison's lands, extended for 9962l. and of sir T. Mounson's lands for 3100l. and they did accept of them for payment of 13,062l. due to them by the king, with a covenant to resort to the king, if they were interrupted in the possession of those lands. And that he did then find, that there was due unto the said officers by the king, about 20,000l.—That the said lands of sir Tho. Mounson were worth 1600l. per ann. and were extended but at 200l. per ann. sir Tho. Mounson hoping to have had the benefit thereof for himself: but, by sir Edw. Coke's rule, it was passed over to the creditors. That sir Tho. Mounson often petitioned the king, and his maj. referred sir Thomas to the lord president and him: that they treated with the officers, who answered, That they relied on sir Tho. Mounson's lands, for that sir Roger Dallison's lands were so much incumbered, that they would yield little; yet the Exchequer Chamber would have relieved sir Tho. Mounson, if he had paid the debt for which the lands were extended; and then the officers must have resorted to the king for recompence: and that if his ldp. gained in that covenant, by his bargain with the said officers, so it was beneficial to his maj. And his promise to the officers to help them to their 8000l. arrear, being a just debt, was before he was treasurer; and that it is Heathen-Greek to him, how this should be prejudicial to the king."

To this mr. Attorney replied, and affirmed the bargains to be unlawful as before; and that there was not 8000l. arrear due by the king before his lordship was treasurer; and then proceeded to the reading of the other Proofs.—These being read, the lord treasurer again affirmed, "That his bargain with the officers of the Ordnance was beneficial for the king, for it gained in his maj.'s covenant of resort from the officers." And said further, "That it was not prejudicial to the officers; for if his second bargain be not as beneficial to them as the first should have been, he is to make it good. And that sir Tho. Dallison, and his lady mother have relief thereby, and himself a great loser, at least 4000l. having taken up 16,000l. for it, for which he pays interest at this day."—And his lordship denied, "That he drew the case, delivered to mr. Attorney, touching the Administration of Dallison's goods;" and said, "He deserved to be hanged that drew it." And, having spoken as much as he could, the clerk read the Heads of the Examinations taken on his part; and mr. Attorney confessed them, and avoided them all; wherewith his lordship seemed to rest satisfied, for he did not require any thing else to be read: but said further, "That he had paid arrears to the officers of the Navy, as well as those of the Ordnance; which shews he did not pay them by way of a bargain only." And then saying, "He would add no more," he was withdrawn.

The Lord Treasurer's Petition for further Time, on account of Sickness.

May 11. A Petition of the Lord Treasurer to the Lords was read, in hæc verba:—

"With most humble and thankful acknowledgement of your lordships honourable patience, in hearing those parts of my Cause which are already opened, I am now most humbly to beseech your pardon of mine appearance before your lordships this day; finding myself so distempered in my body, and my spirits so weakened and spent, as, out of necessity, enforceth me to be an humble petitioner unto your lordships for this little respite of time; my end and desire herein being to enable myself to obey all your commands, and to hasten the end of this Cause of mine; whereof I doubt not but your lordships, in a true and noble sense of my Cause, will honourably consider accordingly.—Middlesex."

The house having considered of this Petition, appointed the earls of Southampton and Essex, the bp. of Coventry and Litchfield, the bp. of Bangor, lord Cromwell, lord Say and Seale, to go presently to the lord treasurer's house, and to take a physician with them; and to signify to his ldp. the displeasure of the house, for that he hath first taken leave of himself to be absent, and now craves pardon for it; whereas his ldp. ought first to have craved leave to be absent. And also to signify unto his ldp. (unless they shall see cause to the contrary by reason of his sickness) that the pleasure of the house is, That his ldp. appear here this afternoon, at 2 of the clock; and that if his ldp. shall fail to come accordingly, that the house will proceed, as well touching such parts of his Charge as are already opened, as for the rest of his Charge also.—These lords being returned from Chelsea, where the lord treasurer then lay, the earl of Southampton reported, That they delivered the said Message unto his ldp. whom they found in his bed, but not sick, for ought their lordships or the physician could perceive; neither did his ldp. pretend any sickness. And their lordships having delivered their messase unto him, he excused his not asking of leave first to be absent; "for that he had not warning to be here this morning until after the house was risen the last night; and since the pleasure of the house is such, he will attend this afternoon, if he hears not, by some Message from their lordships, that they will be pleased to respite him till tomorrow morning."—And the earl of Essex

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made this further Report, viz. "Having this day delivered to the lord treasurer the Message we were commanded by the house, his ldp. (besides the Answer that hath been returned to the house) did let fall these speeches in substance; "for a man to be thus followed, morning and afternoon, standing 8 hours at the bar, till some of the lords might see him ready to fall down; two lawyers against him, and no man of his part, was such proceedings as never were heard of; and he knew not what it meant, for it was unchristian-like and without example; and desired they would deal with him as he would deal with one of them; for it was his case to-day, and might be their's to-morrow." This Answer was signed by these lords, viz. H. Southampton, Ro. Essex, Tho. Cov. and Litch. Lewis Bangor, Tho. Cromwell, W. Say and Seale.

The Charge as to Munitions.

May 11, p. m. The lord treasurer being brought to the bar, as before, the clerk read that part of the charge against his lordship that concerned the Munitions. The lord keeper moved that mr. Attorney do keep himself to that Charge. Mr. Attorney then proceeded in this manner, viz.

"As in the bargains and proceedings (which were opened yesterday) the lord treasurer was over much attentive to his own private profit, so in the Supply of the Office of Ordnance (a matter of high importance for the safety of the king and his kingdoms, and in a time when all Christendom besides ourselves was in a combustion) he was wholly remiss: For whereas, by a privy seal in 6 Jac. there was a private establishment of 6000l. per ann. for the Office of Ordnance, which being put out of order in the time of sir Roger Dallison, about 12 Jac. the lords of the council, in Nov. 1617, upon reference from the king, set down a proportion of Supply, amounting to 54,078l. 8s. 8d. and the standing allowance of 6000l. per ann. to continue. And after in Feb. 1619 there being a commission awarded to the commissioners of the navy to survey the Office of Ordnance, the said commissioners (the lord treasurer himself being a chief man among them) set down a proportion of supply amounting to but 13,640l. 14s. 2d. and a yearly allowance of 3000l. retrenching it to that rate from 6000l. and did set down a course that this being observed a needless charge of about 10,000l. per ann. should be cut off, and this was allowed both by the lords and by the king himself.—The earl of Middlesex becoming treasurer about Michaelmas 1621, and having continued in that office about two years and a half, did observe none of these establishments; whereby the office is at this present both unrepaired and unsupplied, and the kingdom of Ireland destitute of any considerable quantity of arms and munition: for it appears by the records of the king's receipt, That all the monies which the lord treasurer in his time issued for a supply of the ordinary of the office of Ordnance, was but 13,034l. 8s. 11d. of which 8000l. and odd pounds was for old arrears, 3300l. more grew due of latter time, but were paid, not out of duty, or care of the public, but by bargain and contract: and most of these monies issued (besides old arrears) were for wages and allowances of officers, and little or nothing for stores and provisions. For upon the quarter-books paid by his ldp. beginning at the quarter-book ended ultimo Junii 1620, unto the quarter-book ended ultimo Decembris 1622, there being about 5500l. paid, 4600l. and odd thereof went to the officers, but the stores and provisions amounted to but 900l. and odd pounds: a weak supply in so long time.—And whereas in April 1621, a contract was made with mr. Evylyn, for serving his maj. with 80 lasts of Powder yearly, by monthly proportion, at 7d. the lb. which proportion being kept would have yielded a plentiful supply into the office of Ordnance, and the overplus might have been sold at 3d. the lb. profit to his maj. The lord treasurer (though he was continually solicited by Evelyn) did not make the payment which should have been made upon that contract; whereby Evelyn, according to the liberty that was allowed by his contract, sold his powder to others; and, in 35 months after that contract, served into the stores but 15 months proportion; and upon breach of this contract did ensue these inconveniencies, viz. That the stores which, for the service of all his maj.'s kingdoms, might have had in readiness 266 lasts of powder, and 60 lasts of salt-petre, which would have really made 80 lasts of powder more, (in all 346 lasts) are greatly injured by this neglect: for upon a late survey, there were in all but 130 lasts in the stores, and yet Ireland wholly disfurnished: and besides, his maj. by sale of the overplus of the powder alone (above the proportion thought fit to be kept by the commissioners of the navy) might have gained 3d. in every lb. which would have amounted to 4050l. and above, all which his maj. lost by this default of the lord treasurer. And whereas his ldp. excuseth these things by pretence of Sadler's complaints, it appeareth that those complaints grew by occasion of Evelyn's selling of powder to others, not to the king; which had never been if he had had due payment: and the lord treasurer was warned, both by the lord Crew and by the commissioners of the navy, to have special care of these points, to save the contract, it being of high consequence."

The Proofs being read, the lord treasurer answered, "I had need, in the first place, to pray for patience, so much pains being taken by mr. Attorney to make me appear a faulty man." Unto which the lord keeper replied, "That the lords conceive that these words are a wrong done unto them; and he conceived, that they are a greater unto his ldp. the lord treasurer who being a judge, makes no difference of a charge. The lord treasurer answered, 'That he is injuriously dealt withall, and that no peer hath been charged in this place before by the king's counsel.'—And being

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demanded by the lord keeper, wherein he is injuriously dealt withall, he answered 'by mr. Attorney's opening the proofs by parcels, and by directing parts of the depositions to be read, which should have been done wholly and together.'—The Lords conceived themselves to be wronged by these words, for that mr. Attorney had done nothing but as attendant to the house, and by their direction; and therefore the Prince his highness willed him (the lord treasurer) to clear mr. Attorney, or else this aspersion will light very heavy upon him. And the house did acquit mr. Attorney for any thing he had said or done herein.

Then mr. Attorney opened the heads of the Charge again, viz. The 1st Settlement of the Office of the Ordnance, anno 6 Jac. The 2nd Settlement by the lord treasurer Salisbury, an. 1617. And the 3rd Settlement by the commissioners of the Navy, 1620. And that the lord treasurer had observed none of them.

The Lord Treasurer answered, as touching the second settlement, 'Nothing hath been done upon it to this day; and yet it was made 4 years before he was treasurer.' As touching the 3rd Settlement, 'It was propounded only, and opposed, but never allowed; if allowed, it was 18 months before he was treasurer, and yet nothing done in it, as by Cook's own oath: That he had no privy seal for it. And how then can he be charged for the breach of that settlement which was never settled? but he will not give that for Answer.' And then his ldp. affirmed, 'That the Stores are furnished, and that he had paid all the said ordinary of 3000l. per ann. save 300l. though no privy-seal was issued out upon that book presented by the commissioners of the Navy; and paid divers other sums of money for Provisions of the Stores; whereof his ldp. recited the particular sums: and whereas that office was unsettled by sir Roger Dallison, he, being a commissioner for the king's debts, found due to the officers 18,000l. and caused 13,000l. of it to be paid by Dallison's lands, and the rest to be paid also afterwards; so that a small sum will now settle that office, which was then so unsettled.'—As touching the Powder, 'That when he came to be treasurer, he found but 116 lasts of powder, whereof 21 lasts, delivered by Evelyn, were left unpaid for; and that he paid him 2000l. arrears: though 60 lasts of Salt Petre be not in the king's stores, yet there is so much in Evelyn's warehouse; and then it is the king's. Neither can the king receive such detriment or loss; for when Evelyn is paid, he is to make allowance of the Powder by him sold.' And affirmed, 'That he had paid more for powder than was paid for 7 years before.'

### The Charge as to the Court of Wards.

Mr. Serjeant Crew next opened the Charge of the Court of Wards. viz. "That whereas, in Dec. 1618, Instructions for the Court of Wards were set out, upon great advisement with the ord chancellor of England, the two lord chief justices, and the officers of that court) the lord treasurer, by his importunity and power with the officers, and by his misinformation to the king, (waving a reference to divers lords of the council) procured those instructions to be altered, to the prejudice of the king, and oppession of the subject.—For, by the former Instructions, anno 1618, petitions for Wardships were to be delivered to the clerk of the court, who was to enter them without fee: but, by these instructions, anno 1622, the petitions are first to be delivered to the master, to the end he may subscribe his directions, and then the master's secretary to make entry thereof the same day it is delivered, and return it to the suitor, who is to present it to the clerk, and the clerk to enter it without fee.—So the clerk of the court stands still restrained by these latter Instructions to take any fees for entering of petitions, but the master's secretary is not restrained; and, being unlimited, he hath taken great fees for entering of these petitions.—And whereas, by the former Instructions, anno 1618, all Tenders and Continuances of liveries were to be made unto the surveyor of that court: now, by these latter Instructions, they are to be made to the master first, and afterwards to the surveyor; whereby the fees for Continuance of Liveries are raised from 10s. the term, to 20s. the term.—And whereas, before, no ward was esteemed a concealed ward, unless no suit had been made within 3 years after the death of the tenant: now, by these latter Instructions, the master hath power, alone, to dispose of Wardships concealed but one year; so that the master may make any a concealed ward, by concealing the petition, and not entering it with the clerk; the petition being hereby appointed to be deliverd to the master first.—And that the master of this Court of Wards, the lord treasurer, hath committed unto his secretary a Stamp of his name, and hath hereby put his own power into the hands of his secretary: for his secretary hath used his Stamp, in the absence of the master, for signing of tenders and continuances for warrants to the great seal for liveries; and warrants to find offices for grants of wardships, leases, indentures, and the like; and for expediting of judicial acts in the court: and that this Stamp may be a ready way to make concealed Wardships, and may take away mean processes due to the king for want of livery; and may antedate tenders, continuances, and petitions; by reason wereof the king may be prejudiced great sums, by preferring one before another by wardships."

This being said, the clerk was directed to read the Proofs. And for that, in opening of this Charge, the lord keeper delivered to the lords a message from the king, viz, "That the alteration of these Instructions was debated before his maj. at Wansted, by the master and officers of that court; and that his majesty understood that the alteration was for the honour and profit of the master, and intended that the master should enjoy that office

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as amply as the earl of Salisbury, or the lord Wallingford: but if any new fees are exacted since, his maj. disavows that; and if the master hath used the new Instructions to the prejudice of the king or subject, he disavows that also; but allows his precise knowledge of the alteration of the said Instructions."—Therefore no Examinations were read to prove the lord treasurer's importunity and pressure to have those Instructions altered.

The Lord Treasurer's Answer.

After the other Examinations were read, the Lord Treasurer answered unto this Charge, "That he is not to be blamed for putting his office into such plight as it was before an encroachment. As touching his secretary's fees, as he is not restrained, so nothing is allowed; and if he hath exacted any thing, his ldp. will be the severest censurer of him. He never heard of any till now. That the secretary to former masters received whatsoever any man gave voluntarily, so it was lawful for his.—As touching the Fee for Continuances, Why should he lose any thing due for a favour to the subject? by this means there be fewer Continuances; and so the king has his money the sooner, and the party is free for the subjects suit the sooner.—As for concealed Wardships within a year, It is beneficial to the king; otherwise, within 3 years, the ward might die, and the king lose the wardship. Neither hath the master such power, alone, therein by these new Instructions: he is only trusted with the direction unto whom the concealed wardship shall be granted; the composition is left to the council-board: but it is not shewed that he ever made one concealed wardship. They say this may be done, but do not shew what was done amiss."—And his ldp. justified, "That these new Instructions were more beneficial to the king and subject than the former, and not prejudicial; for as touching the petitions, if the ward happen in a vacation, the petition must be delivered within a month; if to the clerk, perhaps he is out of town: now they are to be delivered to the master first, and he may direct the finding of the office in the interim; but it is of no force till the petition be afterwards entered by the clerk, and composition is made by all the officers. Indeed the officers yielded, hardly, to the new Instructions; because they had, by the former, shared the master's power and authority among themselves." His ldp. confessed, "That he yielded to have a Stamp made by the precedent of the lord Burleigh's Stamp: which, he said, he could not prove but by hear-say: and Stamps are used in the Subpœna Office and the Outlawries. And that it is no more prejudicial to commit a Stamp to his secretary, than it hath been heretofore to leave the seal with the clerk. Neither is it shown that this Stamp hath been to the prejudice of any man, the same things that were stamped, being to pass other officers either first or last."

Before the lord treasurer was withdrawn, the earl of Carlisle remembered their lordships, That the lord treasurer, the other day, had charged him with 3000l. given him; whereas, about 12 months after the lord treasurer was made master of the wards, his ldp. paid the earl of Carlisle 3000l. in part of 20,000l. given him by the king. And whereas the lord treasurer spoke of the vast expences of the wardrobe in former times, the earl of Carlisle said, That the expences grew so great by reason of the extraordinary charges then happening; as, by the queen of Bohemia's Marriage, which came to 60,000l. alone; for furnishing divers of the king's houses: for many rich presents sent to foreign states; for the king's voyage to Scotland; and the like.

And the earl of Denbigh, now master of the wardrobe, shewed, That he cannot get any allowance for the extraordinaries of that office, from the lord treasurer.—Whereunto his ldp. answered, "That the king referred unto him the earl of Denbigh's demands of the extraordinaries, wherein his ldp. was unwilling to meddle, for he could not conceive how they could amount to the sum demanded." And as touching the earl of Carlisle, "If he had said that he had given him that 3000l. he did his ldp. wrong, for he had warrant from his majesty to pay it."

And then the lord treasurer desired he might be heard to clear some words that might pass from him this day, where it is reported that his ldp. should say That he had unchristian dealing: "He meant it not by their lordships, whose dealings he acknowledged to be to him both just and honourable; but he meant it by the king's counsel, who have dealt so unchristianly with him, as to make white black, and black white:" and humbly desired, "That this his acknowledgment of the justice of the house might be accepted of him, and to be understood only of the king's counsel." And said further, "That he had precedents, that he ought not to answer in this place, (at the bar) and that he ought to have counsel; and prayed that the next might not suffer by his example."

The Lord Treasurer being withdrawn, the house agreed, That he should appear here again to-morrow at 9 of the clock; and mr. Maxwell, the gentleman usher, warned him to appear accordingly.—The lord keeper cleared the proceedings of the king's counsel in their several Charges against the Lord Treasurer; and the house gave them thanks for their fair carriage therein.

The Lord Treasurer's general Defence against the whole Charge.

May 12. The Lord Treasurer being at the bar, and being admitted to speak in his own Defence, his ldp. first repeated the several heads of the matters wherewith he is charged, viz. 1. Touching the Wardrobe. 2. Touching two Bribes received of the Farmers of the Customs. 3. Compositions of the Out-Ports for Grocery. 4. The Officers of the Ordnance.

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And, 5. The Court of Wards.- As for the first, "That his omission of an account in the Wardrobe did neither add to nor diminish the charge the king was at; and that, altho' his ldp. omitted to serve some of the lord chamberlain's warrants, amounting to a matter of 700l. yet he had laid out, in the Extraordinaries of that office, (which he was not bound to do) about 6000l. and that the good service which he had done his maj. in that office is well known. Touching the two Bribes, termed 'disguised Corruptions,' howsoever the farmers of the customs presented the same, he could not know their thoughts but by their words and deeds. And his ldp. protested, That he received the same no otherwise than for his interest in four 32 parts of the Great Farm of the said Customs.—As touching the Lease for Sugars, he will say no more than formerly he had spoken. Nor, for the Compositions for Grocery, save only, That his ldp. had sent Barret's son unto mr. Serjeant Crew, to satisfy him that Barret had formerly collected the said compositions, by virtue of the warrant of former treasurers.—As touching the Office of the Ordnance, His ldp. would speak no more touching the provision for arms and gun-powder, than he had done.—But, as touching Dallison's business, his ldp. said, It began originally before he was treasurer; he therein settled the king's debt unto the officers, and hath parted with that estate, which he had from them in Dallison's lands, within a month after he was treasurer; yet, if the second bargain made with these officers prove not as beneficial to them as the first should have been, they have his word to make it as good; which he would perform. And his ldp. further profered, That any one should have Dallison's lands again at a far less sum than they cost him.—Then he desired their lordships to take into consideration his disability to answer, and the ability of those that did oppose him; and, if he had been as well able to speak for himself, as they that spoke against him, he doubted not but that he should have given their lordships very good satisfaction.—His ldp. spake much in excuse for those matters complained of against him as lord treasurer, saying, That the king's necessity and want of money was the cause of much thereof.—He acknowledged, That the king had been a good and bountiful master unto him; and avowed, That he had been a good and faithful servant unto his maj. not for impositions, for (those two only excepted, which are presented by the commons) he ever stood against them, deeming them a partition-wall between the king and the subject. That his service has been in reformations, viz. Of the houshold; of the navy; of the wardrobe; and of the kingdom of Ireland: which are things of that nature that they beget enemies: and if, in doing service to his maj. he hath procured to himself many enemies, their lordships will not impute that to him for a fault.—His ldp. also affirmed, That he had done his maj. good service in the Palatinate, by advancing the exchange of the king's money thither, wherein he saved the king 60,000l. And affirmed, That he had advanced the profits of the crown at least 80,000l. tho' not by Impositions; these he meddled not with, the other two excepted, and they were agreed unto by the council-board. The ships indeed were in the river, but the vintners were sent for, and made to pay what was imposed on the merchants. That he offered to pay the arrear due for Ireland, a third part from the one deputy, and the one half from the other; wherewith he acquainted his maj. and turned it all to his maj.'s profit.—That he hath been a judge these 8 years, and no complaint brought against him for Corruption or Bribery; which he hoped would weigh much with their lordships."—And as for the offence taken yesterday against him, touching the king's counsel, (whom he ever loved well) "He knew them to be of that loving nature, that he doubted not but that they would impute it to his rashness, and forgive him. Then he craved pardon of their lordships, if he had omitted any thing, or spoken ought that might discontent them; and so, with humble thanks for their favour to him, he concluded his speech."

The lord treasurer having ended his speech, he was answered by the lord keeper, "That the council-table disavowed the Imposition on Wines to begin from them: it came from his ldp. as belonging to his place of lord treasurer; the matter was his alone; the manner also was contradicted by the rest of the council, for that the merchant ships were then in the river; only they gave way to it, upon his lordship's undertaking that the merchants would yield thereunto, and that they should be no way prejudiced thereby." Whereunto the lord treasurer replied, "That this was no part of his Charge."

### The Lords take into Consideration the several Articles of the Charge, and the Lord Treasurer's Answers.

The lord treasurer being withdrawn, and the house adjourned, ad libitum, mr. Attorney general read that part of the Charge against the lord treasurer which concerned the Wardrobe. And the Lords having duly considered of the crimes objected against the lord treasurer, for not entering into a book of Accounts the warrants and emptions, as he ought to have done, whereby the settlement and antient institution of that office is altogether broken; and for not serving the warrants directed unto him for the king's own person, though he was often urged thereunto; nor paying divers of the creditors for such stuff as they served in, altho' he received 20,000l. per ann. by way of imprest, for the ordinary charge only of that office; which a far less sum would have fully defrayed;- And for that he had not performed that good service, which he pretended unto his maj. but, under pretence thereof, had procured to himself great and large gifts from his maj. and pardon of divers great sums of money. And the king's counsel having satisfied their

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lordships, That the said pardon to the lord treasurer did not pardon his lordship's not accounting; the house was resumed, and the question put, "Whether the lord treasurer, for his carriage in the office of the Wardrobe, be censurable, or no?" and it was agreed, nem. diss. "To be censured."

May 12. p. m. Mr. Attorney read that part of the Charge against the lord treasurer which concerned his taking of 500l. of the farmers of Wines and Currants for a Bribe, and 500l. of the farmers of the Great Customs, for a Bribe; and for exacting 100l. of the said farmers of Wines and Currants. And their lordships took into their consideration the lord treasurer's Answer unto the said two Bribes, viz. "That he accepted of 1000l. paid him, at one entire payment, by the farmers of the Great Customs, upon a bargain of his four 32 parts of the Great Farm." And it appeared plainly unto them, by the examination of divers witnesses, as well of those taken 'ex parte domini regis,' as of those taken 'ex parte domini thesaurarii,' that 500l. of the said sum was given to the farmers of the wines and currants, called the Petty Customs, to procure his lordship's warrant for defalkation of 1000l. per ann. of their rents, for 9½ years, in recompence of their loss, acording to his lordship's farther agreement with them on the king's behalf, upon his maj.'s reference unto his ldp. and that the other 500l. was given, by the farmers of the Great Customs, to procure his lordship's warrant unto the king's remembrancer, to take security for payment of the rent to his maj. of the 4 patentees of that farm, in lieu of 5 partners who had relinquished their parts therein: and that his ldp. had not reserved to himself any parts of the said Great Farm, as his ldp. pretends: and if he had, it had been a great deceit unto his maj. for the lord treasurer of England to contract with others for his maj.'s customs, and secretly to reserve parts therein unto his own benefit: and when, as his ldp affirms, that he received the 100l. of the Farmers of the Wines and Currants, for a new-year's gift, it appeared also by the examinations, That the said farmers did present his ldp. with a tun of wine for his new-year's gift, and his ldp exacted the 100l. of them afterwards; which divers of their lordships conceive to be extortion.'—All which being fully discussed, the house was resumed, and the question was put, "Whether, upon this whole Charge, the lord treasurer be censurable, or no?" and agreed generally, "To be censured."

The house being again adjourned ad libitum, mr. Attorney General read that part of the Charge against the lord treasurer, which concerned his procuring of Herriot to surrender his lease of the farm of Sugars, which he held at the rent of 10,000 marks per ann. to the king, and for procuring a new lease thereof immediately to two of his lordship's servants, to his own use, at 2000l. per ann. and for denying the merchants, upon their exportation of sugars, the imposts paid therefore upon the importation, as his ldp. ought to have done by the directions of his maj.'s letters patent of the 5th of Dec. ann 8. Jac.—Upon reading whereof the lord keeper signified to their lordships, That he had received a message from the king touching this Charge, viz. "That his maj. did freely give unto the lord treasurer 4000l. per ann. out of the said lease of Sugars, the same to begin presently after the date thereof."—Their lordships taking into consideration, that this was the king's free gift, they did not think it fit to censure the lord treasurer for the same; although his ldp. had unduly informed his maj. of good services done in the office of the Wardrobe, which his ldp. performed not, for which this lease of Sugars was given him. Neither did his ldp. inform his maj. (for ought appears) that a debt of 7000l. was installed upon that lease; the which his ldp. transferred to the Farm of Tobacco.—And as touching the denial of the impost unto the merchants, upon the exportation of Sugars, for that his ldp. affirms, That the under-farmers of the said sugars from him are liable to the re-payment of the said imposts, if any be due, their lordships did not think it fit to censure the lord treasurer for the same.—And the house being resumed, the question was put, "Whether the lord treasurer shall be freed from any censure in this particular Charge, or no?" And generally agreed, "To be freed."

The house was again adjourned ad libitum, and mr. Attorney General read that part of the Charge against the lord treasurer, which concerns the Composition for Grocery Wares in the city of Bristol, which city had refused to yield unto any composition for the same; and yet the lord treasurer had given warrant to levy the same against their wills, and to stay the entering of their goods until the same was paid accordingly.—But for that it appeared, that the lord treasurer Dorset's letter, dated 1610, for levying the same composition, agreeth with the letter written by this lord treasurer; and for that divers of Bristol had paid the like composition; and for that it did not appear that the lord treasurer did thereby seek any benefit to himself, the lords did not think him fit to be censured for the same. Wherefore the house being resumed, it was put to the question, "Whether the lord treasurer shall be free of censure, in this Charge of Grocery, or no?" And agreed, "To be freed."

The house being again adjourned ad libitum, mr. Attorney General read another part of the lord treasurer's Charge, viz. the Charge against him by the Officers of the Ordnance. And their lordships having fully discussed the great neglect of the lord treasurer to issue the king's money for the furnishing of the king's stores of Munitions, with armour and powder; and that yet he paid the arrear of debts to that office for his own particular profit upon a contract with the said officers: and having considered his lordship's great misdemeanors in the bargains for the said lands of sir Roger Dallison extended for that debt; and his lordship's pro-



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pounding, for part of payment thereof, the making of baronets and a suit for compounding with his maj.'s copyholders of Wakefield. And his lordship's Answer, "That he preferred this suit unto the king, in pity of sir Tho. Mounson's estate, a man heretofore of good account in his country, and now decayed;" which their lordships thought most sordid, for a lord treasurer to make use of to his own benefit: And it appearing unto their lordships, That the said lord treasurer had set on foot an old outlawry, upon a debt long time since paid by the said sir Roger Dallison; and that his ldp. upon pretence of a debt to the king where there was none, procured a revocation of letters of administration granted of sir Roger Dallison's goods; and had written his letter to the judges of the common pleas for the countenancing of this indirect course, to wrest the said lease from the said sir Rd. Smith and sir John Davy, formerly granted unto them by the said sir Roger: All this being fully debated, the house was resumed, and it was put to the question, "Whether the lord treasurer be worthy of censure in regard of this whole Charge, both for the three bargains, and for not supplying the office of the Ordnance?" and generally agreed "To be censured."

The house was again adjourned ad libitum, and mr. Attorney read the rest of the Charge against the lord treasurer touching the Court of Wards. And their lordships considering, that it was not proved by the examination of witnesses, that the secretary was appointed to take any fees for the said petitions, either for himself or for the lord treasurer; nor that the lord treasurer had made any benefit to himself for concealed wards by virtue of the said new instructions: Therefore their lordships thought his ldp. not censurable for those two points of his Charge. But as touching the doubling of fees of Continuances of Liveries, they thought his ldp. worthy to be censured both in respect of the grievance of the subject, and of his lordship's Answer unto the same, viz. "It is the king's grace to the people, let them pay for it." And for that he delivered a Stamp unto his secretary, whereby he committed the great trust, reposed in him by his maj. unto his servant, not deigning to sign the petitions, liveries, and warrants, to the great seal, with his own hand, their lordships thought him worthy to be highly censured for the same. And thereupon the house being resumed, the question was put, "Whether the lord treasurer deserves a censure upon the whole Charge or no?" and agreed, nem. diss. "To be censured for the same."

May 13. The Lords ordered the gentleman usher and the serjeant at arms, attending on that house, to summon the earl of Middlesex, lord treasurer of England, to appear presently before their lordships. The house being adjourned ad libitum, the clerk read the heads of the six Charges against the lord treasurer, and the six several votes of the house which were yesterday past upon the same. And their lordships having duly considered upon the proofs of bribery, extortions, oppressions, wrongs and deceits, objected against the lord treasurer, found the same to be most apparently proved. And, as to the allegations of the lord treasurer of his good and profitable services to the king; in the reformation of the king's household, of the navy, of the wardrobe, and the kingdom of Ireland, their lordships entering into debate thereof, it was made manifest to them, by many particulars then declared, That, as touching the reformation of the king's household, wardrobe, Ireland, he, the lord treasurer, had deserved very ill of his maj. and, as touching the navy, though his ldp. was but a commissioner with others, who where more skilful, and did more good than he, yet, he assumed to himself the whole glory thereof; and his manner was so to do, in all other business wherein his ldp. and others were joined.

The Lords also considered of the lord treasurer's allegation of his advancing the exchange of the king's money, sent to the Palatinate, for payment of the king's forces there; and it appeared unto them plainly, That his services therein deserved no such respect, as his ldp. assumed unto himself; the soldiers of Frankendale being yet unpaid. Then the house being resumed, the first question was put, 1, "Whether the lord treasurer, in regard of these misdemeanors proved against him, shall lose all his offices which he holds in the kingdom, or no?" it was unanimously agreed, "That he should lose them all." 2, "Whether the lord treasurer shall for ever, hereafter, be incapable of any office, place or employment, in the state or common-wealth, or no?" Agreed, "That he should be incapable of them all." 3. "Whether he shall be imprisoned in the Tower of London, during his maj.'s pleasure, or no." Agreed, "For Imprisonment." 4, "Whether the lord treasurer for these offences shall pay a fine to the king, or no?" Agreed "to pay a fine."—Then the house was adjourned ad libitum, that the lords might more freely discuss what fine to impose on the lord treasurer. And, being resumed, the fifth question was put by the lord keeper, 5, "Whether a fine of 50,000l. be sufficient to be imposed on the lord treasurer, or no?" Agreed to this article. 6, "Whether he shall, hereafter, sit in parliament, or no?" Agreed, "That he shall never sit again in parliament." 7, "Whether the lord treasurer shall come within the verge of the court, or no?" These questions being all put and agreed to, the whole censure against him was drawn up in form, read by the lord keeper, and passed by a general vote of the house.

### Sentence against the Lord Treasurer.

Then a message was sent to the Commons, That the Lords were now ready to give Judgment against the Lord Treasurer, if they, with their Speaker, will come and demand the same. *Answ.* That they will attend, presently, as the manner is. Accordingly, the Lords being all in their robes, to the number of 62, the Lord

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Treasurer was brought to the bar, by the gentleman usher and the serjeant at arms; when his ldp. making a low reverence, kneeled, until the lord keeper willed him to stand up. The Commons came in with their Speaker, and the serjeant attending him let down his mace, when the Speaker addressed himself to the lords as follows:

"The knights, citizens, and burgesses in this parl. assembled, have, heretofore, transmitted unto your lordships several offences against the right hon. Lionel, earl of Middlesex, lord high treasurer of England, for Bribery, Extortions, Oppressions, and other grievous Misdemeanors committed by his ldp.; and now the Commons, by me their Speaker, demand Judgment against him for the same."

The Lord Keeper answered, "This high court of parliament doth adjudge, That Lionel earl of Middlesex, now lord treasurer of England, shall lose all his offices which he holds in this kingdom; and shall, hereafter, be made incapable of any office, place, or employment in the state and commonwealth. That he shall be imprisoned in the Tower of London during the king's pleasure. That he shall pay unto our sovereign lord the king a fine of 50,000l. That he shall never sit in parliament any more, and that he shall never come within the verge of the court."

May 14. A committee of lords was appointed by the house to attend the king, and to acquaint him with the Judgment awarded by the lords against the earl of Middlesex, and to desire his maj. to take away the staff and the seal of the Court of Wards from him.—Ordered also, "That the king's counsel do draw up a bill, and present the same to the house, to make the lands of the earl of Middlesex liable unto his debts; unto his fine to the king; unto accounts to the king hereafter; and to restitution to such whom he had wronged, as shall be allowed by the house." Which bill afterwards passed into a law.*

The same day the bishop of Norwich besought the Lords to remember the Message from the Commons, on the 8th instant, for a conference touching some accusation against his ldp. which their lordships then deferred, by reason of the thinness of the House; and desired them to appoint a time for the same, with what expedition they conveniently may; whereupon a committee was then named for that purpose.

*Articles of the Charge against the Bishop of Norwich.*] May 19. A Report was made by the abp. of Canterbury, of a conference with the Commons, touching a Complaint against the bp. of Norwich, to this effect. That the Commons had received a Complaint exhibited against the said lord bishop, by the citizens of Norwich: and to shew, that it was ordinary for the Commons to complain against the governors of the church, divers records of parliament were cited; Anns, 18 Ed. III. 35 Ed. III. 50 Ed. III. 17 Rich. II. and the 11 Hen. IV. which were cited to satisfy tacit objections for their meddling with a cause of this nature.—That the Charge against the said bishop consisted of six parts. I. That he inhibited or disheartened preachers on the Sabbath day in the forenoon. II. That images were set up in the churches, and one of the Holy Ghost fluttering over the font; that a marble tomb was pulled down, and images set up in its room, and the bishop blessed them that did it. III. That he punished those who prayed not towards the east. IV. That he punished a minister for catechizing his family, and singing of psalms. V. That he used extortion many ways. VI. That he did not enter Institutions, to the prejudice of patrons.—To the 1st Article it was said, That there were 34 churches in Norwich; and in those parishes 30 or 40,000

* Lionel Cranfield, earl of Middlesex, who, from a low beginning, was, for his eminent qualities in mercantile affairs, raised to that title, and to one of the highest posts in the kingdom, was son of Tho. Cranfield, esq.; but was no more than a London merchant himself; and being bred up in the Custom House, was looked upon as a fit instrument to detect the frauds in those officers. The king, in his last speech to the lords, has given us an account how he was introduced to court, and by what steps he rose to the height he so suddenly fell from; and, by what his maj. hints, in that speech, there might probably be much malice and envy in his prosecution. Mr. Rapin charges the prince of Wales and duke of Buckingham with a conspiracy to ruin the lord treasurer, for refusing them, at times, the exorbitant sums they demanded when in Spain: that they made use of their credit with the parliament for that purpose, and caused him to be accused, by their creatures, of mismanagement in the discharge of his office. This hint our author has strongly improved from Wilson and lord Clarendon: the former says, "The duke of Buckingham, remembering how the lord treasurer repined at the monies spent in Spain, and his comportment to him since his return, resolved to bring him down from that height he had placed him in." And the latter, "That the king was against the prosecution of the treasurer, by an Impeachment; because he foresaw, that those kinds of parliamentary proceedings would shake the royal authority, in the choice of his own ministers, when they should find that their security did not depend, solely, upon his own protection; which breach, adds the noble historian, upon his kingly power, was so much without a precedent, that, except one unhappy one, made three years before, to gratify likewise a private displeasure," [lord Bacon he means] "the like had not been practised in very many years. The king told the duke, 'That he was a fool, and was making a rod for his own breech;' and the Prince That he would live to have his belly full of parliamentary Impeachments." See History of the Rebellion, vol. I, fol. edit. 1702. p. 20.

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people: That the lord bishop sent for the preachers, by the apparitors, and told them, There was no need of preaching, on Sunday in the forenoon, except in the cathedral church; although 2 or 3000 could only hear there: many dwelling three quarters of a mile off, and many were old, and not able, for their age, to come so far. That this inhibition was when the king had commanded more preaching. That his lordship connived at Recusants, all which was the disheartening of the good professors. It may be objected he allowed of catechizing; ergo, no preaching necessary: but he commanded to ask bare questions, and nothing else; ergo, no instructions.—That this is done against the canons of the church, and that there is no obedience without knowledge. The outward man is not confirmed, unless the inward man be reformed; and cited the canon, 'quicunque contristaverit doctorem veritatis peccat in Christum;' with the canon, 1 Jac. c. 45, for commanding preaching.—For the 2nd touching the setting up of Images. It was said to be against acts of parl. against the canons of the convocation. the book allowed in the time of Hen. 8. 28 Hen. 8. c. 30. against Images, Pilgrimages, &c. against the 3 Ed. 6. and the Homilies approved, anno 1 Eliz. forbidding images in churches.—The 3rd, for prayer to the east. Which Gratian affirms came by tradition, pars 1, dist. 11. and that it is superstitious, 'Lyndwood in the Glosses, lib 2. Tit. de Feriis, non revertisemur ad Orientem, &c.' That the bishop excommunicated many, and enjoined penance unto divers, for praying to the east: and some did their penance with a withy rod in their hand: the proof thereof is under the bishop's hand.—The 4th. One Peck, a minister, catechized his family, and sung psalms, his neighbours coming in, of a Sunday after evening prayers. The bishop enjoined them to do penance, for this their resorting to catechize and sing psalms, and to say, 'I confess my errors, &c.' which acknowledgement is under the bishop's hand. They who refused, were excommunicated, and paid 7l. charges. And it was particularly observed by the Commons, that this Peck was a conformable preacher.—5thly, Touching Extortion. It was shewn, That, in the Table of Fees is set down, for Institution 24s. 8d. whereof to the bishop 10s. That this lord bishop is register also, and now himself, taketh, for institution, 3l. 5s. and, for united churches, double; and that, 'communibus annis,' there are an hundred institutions. For Admission into sacred Orders, nothing should be taken; if any, it is simony: yet this bishop taketh now 20 or 30s. the bishop and register being all one. To serve cure, 5s. is due; he takes 6s. 8d. To teach school, 3s. 4d. is due; he takes 6s. 8d. and, if of ability, 10s. For every consignation of a decree 4d. which comes to 80l. per ann. for which there should be nothing paid; no consignation being in the table, but set down in abp. Whitgift's time, in another hand.—6thly. Touching the entering of Institutions. That the institutions to benefices are not registered; which overthrows the patronages, if it be returned 'scrutatis archivis non invenitur,' when the right comes in question; yet the fees are greater than before."—The Commons concluded with these two remembrances. 1st, "That they received this Complaint before Easter last; yet they proceeded not in the examination thereof till they received a certificate from the mayor of Norwich. 2nd, That none shall be punished for complaining in parliament.

*The Bishop of Norwich's Defence.*] This Report being ended, the bishop of Norwich stood up in his place, and answered the same to this effect: "1st. His ldp. confessed the Charges in the said Complaint to be so great and grievous, that, were he guilty thereof, he would desire, himself, to be punished: but whether he be guilty or not, he will leave to their lordships exact and severe examination; wherein he desired them not to spare him, and he would ever acknowledge and commend their justice and honour.—His ldp. protested he was no way guilty of the first part of this accusation; if he were, then he was unworthy to bear the name of a clergyman. He shewed the unworthiness of such as should dishearten preachers from preaching the word of God. His ldp. shewed also (desiring first that he might not be taxed with ostentation) his own practice in preaching, whilst he was vicar and parson: that he preached every sabbath in the morning, and catechized in the afternoon; and that he continued the like preaching whilst he was bp. of Chichester: that in Norwich he never missed the public place, and ever preached there against popery; though he had been an unprofitable, yet he had not been an idle servant; which was now his only comfort.—As touching Preaching and Non-residence, he had been reckoned more than half a puritan: he told them of his manner of living, and his leaving the archbishop of Canterbury's service that he might go to his cure. He wondered why he should be thought a papist; he thought it might be owing to his disputations, and his sermons at Paul's Cross, on predestination negative, unadvisedly preached by him; for which he was checked by abp. Whitgift, and commanded to preach no more of it; and he never did, though dr. Abbot, late bp. of Sarum, hath since declared in print that which he then preached to be no popery. That popery is a fire that will never be quiet, he hath preached a thousand sermons; and nothing of popery can be imputed to him out of any of them.—That there were divers obstacles to keep him from popery. 1. The Usurpations of the pope of Rome. His ldp. affirmed, That no power on earth can touch a prince; and therefore he abhorred the usurpation of the pope over princes. 2. Their Religion is dyed in Blood. 3. The practic course of their religion is all by juggling and feigned miracles; of which his ldp. had writ a book against them, which was never as yet answered. That he never spake with priest or jesuit, nor never in-

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vited a known recusant to his table; for they never say *Amen* to our prayers. 4. That their equivocations are the last; worse than which nothing can be; his ldp. held it much better to take on with the devil than with such. Then he professed himself to be a true member of this church, and acknowledged the church of England to come nearest to the primitive. That we fetch not our reformation from Wickliff, Huss, and Luther of latter times, but from the first 400 years next after Christ.—I. As touching the first part of the accusation. His ldp. confessed, That 6 or 7 of the abler sort of ministers in Norwich used to expound, in their own churches, before the sermon began in the cathedral church; and many resorted from other places to these expositions, (for all the churches have not preachers) and in the afternoon to their sermons. The preachers themselves found fault with this, being willing to be rid of the pains, for they were to preach in the afternoon and on the week days, and shewed him many disorders therein, which they pretended; as the cutting off part of the prayers, or their beginning so early, that many could not come to the common prayers, and the like; and they besought his lordship to remedy it, because they, being stipendary men, were loth to do it, for fear, belike, to lose their stipends; whereupon he sent for them by an officer, and willed them to omit these expositions in the forenoon; and yet he had since taken order for the erecting of 3 sermons in the most remote parts of the city from the cathedral church; and he also had erected many lectures in several places of the country. II. As touching the Images in a Church. What was done was done without his knowledge, it was meant by st. Peter's church: that he never saw that church till one evening as he came by; and being informed of much cost done upon it, he went in, and kneeled down to his prayers, as his use was. When he rose up, and perceived that they had bestowed very great cost, and not seeing or knowing of any image at all set up there, he said, 'God's blessing on their hearts that had bestowed such cost on God's house.' III. As touching prayers to the east: he never enjoined it, nor heard of it till now. IV. For the 4th part of his Complaint: he perceived that he had been sifted through the whole course of his life; that this Peck was sent to him by the justices of the peace, for keeping an assembly late at night at his house; his catechizing being but a colour to draw them thither. That this Peck had infected the parish with strange opinions; as not to kneel when they came to church; that the name of Jesus is no more than a common name, and that it is superstition to bow down at it. His ldp. affirmed, that this Peck had formerly been convicted of nonconformity, annis 1615 et 1617; also, for simony and conventicles in his neighbour's house, as appears by an act in the register. And that an. 1622, he was taken in his house with 22 of his neighbours, at a conventicle; that he was then bound over by a justice and brought to his ldp. and his sentence against him was, only, that he should confess his fault. The others, mentioned in this part of the Charge, were punished for their opinions also; making no difference between an alehouse and the church, till the preacher was in the pulpit. He said, he must confess his fault, That in the penance which he enjoined, he caused them to confess their errors, omitting their resort to conventicles, which he did at their own earnest suit. V. His ldp. absolutely denied that he imposed any Fees, and affirmed that he had not any of those fees which were complained of; only the fees for Institution, which he took as his predecessors did. If therein he had committed any error, 'erravimus cum patribus;' and denied that he had ever seen that Table of Fees which is spoke of by the Commons. VI. His ldp. affirmed, That he had registered all the Institutions."

When the bishop had ended his Defence, h. r. h. the Prince stood up and told him, "That he had not answered concerning the Paraphrase of the Catechism which he had taken away." To which the bishop replied, "That the preachers used to chuse a text from the Creed, &c. and to ask the child some one question, and then to dilate very long upon it, but never descended to the capacity of the child. That he did not forbid the explanation, but ordered that it should be done catechetically."

Thus ended the bishop of Norwich's Answer to the said Complaint. Immediately after which an Order is entered in the Lords' Journals, "That in respect to the shortness of time and the multiplicity of business, now depending to be determined, the Complaint of the Commons, against the bp. of Norwich, shall be referred to the High Commission, to be examined by them; and they to make report thereof to the house, and then the house will judge of it."

*The Bp. of Norwich's Complaint against one Tho. Stokes* ] The same day the bishop of Norwich exhibited a Complaint to the house against one Tho. Stokes, clerk. "That whereas the said Tho. Stokes had preferred a Petition to the Commons against his ldp. for excessive fees, pretended to be taken by his ldp. and for other grievances therein mentioned. He acknowledged the proceedings of the said Stokes to be legal, and humbly submitted himself to an examination and strict trial. However, he complained that the said Stokes had sent his lordship this message: 'That if he would suffer a judgment in the court of common pleas for him, the said Stokes, to be archdeacon of Norfolk, that then Stokes would prosecute no further against his ldp; otherwise, he would smoke him with more Complaints.' Moreover, that the said Stokes reported that his ldp. did drink a health to Spinola, and refused to pledge a health to the prince of Orange, for that the said prince was a general unto traitors. And that Stokes affirmed his ldp. did take 30l. of every

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one of the archdeacons when he came first to his see. All which his ldp. affirmed to be false."

This Complaint, with the witnesses the bp. produced to prove it, was referred to the examination of the abp. of Canterbury, who was to make report thereof to the house for their judgment of the matter. But we hear no more of this, or the former affair, in the Journals or elsewhere; for neither Wilson nor Rushworth mention one word of it.* But to return to our proceedings,

*The Commons desire a longer continuance of the Session.*] The same day, still, a message was brought from the Commons to the Lords, by sir Edwin Sandys and others, to this effect: "That the knights, citizens, and burgesses, in the house of Commons assembled, understanding that his maj.'s pleasure is to put an end to this session on Saturday next, the 22d instant, within which short time, neither that house nor their's can perfect those businesses which are begun; they do humbly desire their lordships to join with them in petition to his maj. for a longer time: 1st. For that the king permitting them to name their own treasurers for the Subsidy this parl. much longer time hath been spent in that bill than usual, because they had no precedent for the same; whereby many good bills were delayed. 2ndly. For that the business of Free Trade, which had been long disordered, had brought many general complaints unto them; not only by the merchants, but by the clothiers and those of the meaner sort. Which, if they have longer time, they hope so to accommodate, that it shall be advantageous, to the king's profit, and give content both to the poor and to the rich. 3rdly. The bill for the Subsidy of the Clergy was but newly come into their house, and their own bill of Subsidy is yet to have another reading. 4thly. For that they understand that their lordships have so many bills, and other matters of weight, as yet depending, that they doubt whether they can perform them in so short a time. Wherefore, and to hold that fair correspondence, which hath hitherto continued between both houses, they make this earnest request; not intending to entertain any new matters, but those, only, which are begun and ready to be finished."

The messengers being withdrawn, his highness the Prince signified unto the house, "That at his coming from the king, his maj. told him that he was determined to end this session on Saturday next; and commanded his highness so to answer them who should move to have that time prolonged. But what his maj. would do therein, when he shall hear these reasons, his highness said he knew not." Whereupon, the house humbly besought the Prince to move his maj. to give a longer day.—The messengers then were called in and answered, "That the Lords do take in good part their willingness to hold good correspondency with them, and have weighed the general and particular reasons expressed, for a longer day of continuance of this session: but they have received such absolute directions from his maj. for the end of this session, at a day now so near at hand, that they cannot give the Commons any hope of obtaining a longer. Yet, considering that his maj. knew not of these reasons, their lordships have entreated the Prince to move him for a longer day. What this will produce they know not; wherefore their lordships will hasten the dispatch of their own business, against the day which his maj. hath limited, as much as they can, and they doubted not but the Commons would do the like."

May 20. The Lords received the following Message from the Commons: "That they desire a conference with their lordships, touching a Petition to the King for removing all justly suspected Recusants from their offices of trust." Answer was returned, "That they would meet them presently; but, before the Lords went to this conference, the Prince acquainted the house, That his maj. was content to prolong this session unto Saturday, May 29, so that his highness would engage himself that neither of the two houses would entertain any new matter in the mean time; and that he should know, first, the minds of the Commons therein." It was agreed, "That this should be intimated to them at the meeting."

*The Commons' Petition against Recusants.*] The same day a report was made by the abp. of Canterbury of what passed at this conference; he told the house, That the Commons produced an humble Petition to the king, desiring the lords to join with them in it, as heretofore. Which Petition was read in these words:

"We your maj.'s loyal and faithful subjects, the Commons, (by your royal authority and commandment called to and assembled in this present parl. out of all the parts of your kingdom of England and dominion of Wales) do, in all humility, give your maj. most humble thanks, that you have so religiously and openly published, that your laws and acts of state against Popish Recusants should be put in due execution. And now we hold it our bounden duty (amongst other the important affairs of your realm) to inform your maj. of the growth of this dangerous sort of people within this your kingdom, and of their insolency and boldness in all the parts thereof, insomuch as many of them (unknown to your maj.) have crept into offices, and places of government and authority under you, to the disheartening of your good subjects, and contrary to your maj.'s laws and acts of state; whose names (in discharge of our allegiance and duty, without respect of persons) we, in all humbleness, present to your majesty. [Here follow two Lists, containing

* This bp. of Norwich was Samuel Harsnet, who Le Neve tells us had been guilty of several scandalous practices, whilst he was master of Pembroke hall in Cambridge. He came into high favour, at court, in the next reign; for in 1628, he was made abp. of York.

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1. "The Names of all such Persons as are certified to have Places of Charge or Trust, in their several Counties, and are themselves Popish Recusants or Non-Communicants, that have given overt suspicion of their ill-affection in Religion, or that are reported or suspected so to be." 2. "The Names of all such Persons who are certified to be in Places of Charge or Trust, in their several Counties, and that have wives, children, and servants, that are Popish Recusants or Non-Communicants, or that are suspected or reported so to be."]—"Now, in consideration of the great countenance hereby given to Popery, the great grief and offence to all your best affected, true, and loving subjects, the apparent danger of the whole kingdom, by putting the power of arms into such hands as, by former acts of your maj.'s council, are adjudged persons justly to be suspected, and themselves fit to be disarmed. Your said loyal and faithful subjects do most humbly beseech your maj. graciously to vouchsafe that the said lords and gentlemen above named, for these important reasons, and for the greater safety of your maj. and of your realm and dominion, may be removed from all your maj.'s commissions of great charge and trust, commissions of lieutenancy, oyer and terminer, and of the peace, and from all offices and other places of trust."

This Petition being read, the lords deferred the debate thereon, for that time, because the day was far spent; but gave an Answer to the messengers who attended for the same, That they would consider of the Petition, and would send them an Answer when they were resolved of it. The Commons returned the lords thanks, and said, their house had made an order to receive no more bills, or entertain any more new business this session. The same order was made by the lords.

May 21. The Petition of the Commons, for displacing Popish Recusants, was read a 2nd time; and, after some debate, an Answer was resolved on to be given to the commons about it. Accordingly a message was sent by the lords to desire another conference; and, in the mean time, the Answer was put into writing, and read to the house in hæc verba: "That we take great contentment in the concurrence which has been between the two houses, from the beginning of this session, and which we doubt not but shall continue to the end. That what hath been desired in your Petition, concerning Popish Recusants, is wholly allowed and approved of; our hearts do go along with what is propounded by the commons. But that our way in judicature, as they know, is, to proceed upon oath, and to hear the party's defence, which the shortness of time in this case, can by no means permit. That if we should publickly go in a committee of both houses to the king, we should strike deep into the reputation of the parties concerned, and give his maj. and the whole world, occasion to think; That we did both judge and condemn before we had heard. Notwithstanding, we do incline, if they like of it, to move his highness the Prince, privily to acquaint his maj. with this as with a matter of state; not doubting but that his maj. will take it into his grave and prudent consideration; so that such effect, as we trust, is like to follow, as will give us all good contentment."—This answer was approved of by the other house, at the conference; who rendered their most humble thanks to the Prince, "That he was pleased, as of himself, to intimate their requests unto his maj.; and that they hoped it would receive a gracious Answer."

*The Judges Opinions on some Clauses of the Subsidy Bill in point of Privilege.*] May 24. The bill for granting an aid to his maj. of 3 entire Subsidies, and three 15ths and 10ths, was sent up by the Commons: and, the next day, on the 2nd reading, before it was committed, the Judges were appointed by the house to consider of some points of judicature in the said bill, and to deliver their resolutions about it.—May 26. The lord president reported to the house, That the Judges had given in their Resolutions, concerning some questions arising on the bill of Subsidies; which was read as follows:

"Resolved, by general consent, That, upon the perusal of several parts of the act of Subsidy, they do not conceive that there is any thing therein, which may impeach or blemish the privilege or power of the higher house, or add to the privileges of the lower, in any thing; save, in the particular case in question, and in no other case, of the like or other nature; and that for these reasons: 1st. Because the judicature, in this particular case, is not assumed, by the way of privilege, to beget a precedent, but, by way of an act; which taketh effect, not only by themselves, but by the lords, and by the royal assent of the king. 2nd. Because the ground of this act proceeded, originally, from the gracious proposition of his maj. himself, and that proposal is mentioned in the act itself; so that there is nothing to be drawn from this act to ground the like on hereafter, unless it be upon the same proposition from the king, with the consent of the lords, who must fully assent unto it. 3rd. The words, 'That the lords shall have power by virtue of this act,' are not privative to any former power of the lords, and are convenient in this particular case, where the offence is new; for, before this act, there was neither punishment for this offence, nor the offence to be punished. 4th. The reserving the punishment of those, who, at this time, are assistants to the higher house, is no derogation to that house; for they have no inherent right of being assistants, as the lords have of being members of the house; and this is done by bill wherein the lords join. 5th. For that the lords are joined with the commons in the commission, the account is to be joint; and therefore it is not possible to sever them from the commons, because the account would be lame and imperfect.—All which the Judges humbly submit to their lordships judgment."

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*The Protestation of the Lords in consequence thereof.*] These Resolutions were approved of by the house; but the lords thought fit to enter a protestation in their Journal Book, before the Subsidy bill was read a third time; which was to this purpose: "Forasmuch as this present act of Subsidy from the temporality, is, in many things, different from the antient usual form of a Subsidy bill; and because something contained in the said act, may, in time to come, be construed either to lessen the jurisdiction of the one house, or add to the jurisdiction of the other, more than hath been used, or heretofore admitted: therefore the lords spiritual and temporal, in the higher house of parl. now assembled, do hereby declare and pronounce, and cause this protestation to be entered on record in the rolls of this parliament. That no words, matter, or thing, in this act contained, shall hereafter be taken or construed to give or take any jurisdiction, power, privilege, or authority to or from either of the said houses of parliament; but that either of them shall, severally and dividedly, hold, use, and enjoy such and the same liberties, privileges, powers, and jurisdictions as heretofore, they, or either of them, respectively had; any thing in this act to the contrary notwithstanding."

*Debate on the Subsidy Bill in the Commons.*] It may not be amiss, in this place, to look back into the Journals of the Commons, this session, for the first motions of a Supply in that house. We are told that the king's demands to support the state, in case of a war with Spain, &c. on the breach of the treaties, was a supply of 6 Subsidies and 12 Fifteenths. On the 19 March, the Commons went upon this demand, and the heads of a long debate is entered in the subsequent Journal of this session. In one speech of sir Edw. Coke's, is a calculation what the whole sum of such a grant would amount to. He estimated that one Subsidy from the laity would come to 70,000l. and a fifteenth to 30,000l, a Subsidy from the Clergy to 20,000l. the total of which, multiplied by the number of them demanded, would amount to 900,000l. almost a million, which was more, he said, than all England could raise, with any conveniency.—After almost two days debate the house came to the following Resolution upon the question, without one negative voice, "That after his maj. shall have been pleased to declare himself for the utter dissolution of the two Treaties, for the Marriage and the Palatinate; the house, in pursuit of their advice given to his maj. and towards the support of the war which is likely to ensue; and, more particularly, for these four points proposed by his maj. namely, the defence of this Realm; the securing of Ireland; the assistance of our neighbours, the states of the United Provinces, and other his maj.'s Allies; with the fitting out of his maj.'s royal navy, will grant, for the present, 3 Subsidies, with 3 Fifteenths and Tenths, to be levied in such time and manner as they shall be pleased afterwards to appoint; and to be paid into the hands, and expended by the direction of such commissioners, as shall hereafter be agreed on in this present session of parl." and, by a subsequent resolution, nem. con. the same day, it was agreed, "That these 3 Subsidies, Fifteenths and Tenths, shall be paid within the space of one year after the king hath declared himself." Upon the delivery of this proposition to the king, it was agreed to by him; afterwards the Treaties were broke, as hath been mentioned, and the Commons went upon framing a bill to raise the Supply and name commissioners to be the managers of it: which being a thing hitherto unprecedented, and what no crowned head ever granted before, occasioned the dispute in the house of lords before related.—But to proceed with the Lords Journals.

*Resolutions of the Lords as to Matters of Privilege.*] May 28. The Earl Marshal, from the committee for searching precedents to sustain the privileges, &c. of the house, made the following Report;

"How far the Privileges of the Nobility do clearly extend, concerning the Freedom of their Servants and Followers from Arrests.

"To all their menial servants and those of their family, and also those employed, necessarily and properly, about their estates as well as their persons.—This freedom to continue 20 days before and after every session; in which time the lords may conveniently go home to their houses in the most remote parts of the kingdom.—That all the lords, after the end of this session, be very careful in this point, and remember the ground of this privilege; which was, only, in regard they should not be distracted, by the trouble of their servants, from attending the serious affairs of the kingdom; that therefore they will not pervert that privilege to the public injustice of the kingdom, which was given them, chiefly, that the whole realm might, in this high court, draw the clear light of justice from them. In which case, every one ought rather to keep far within, than any way exceed their due limits.—That hereafter, before any person be sent for in this kind, the lord whom he serves shall, either by himself or by his letter, or by some message, certify the house upon his honour, that the person arrested is within the limits of the privilege before expressed.—And, for the particulars, they must be left to the judgment of the house, as the case shall come in question; wherein the house wants no means, as well by oath as without, to find out the true nature of the servant's quality in his lord's service. Thereupon, if it be adjudged by the house contrary to the true intent, any member whatsoever must not think it strange, if in such a case, both himself suffer reproof, as the house shall think fit, and his servant receive no benefit by the privilege, but pay the fees; because the justice of the kingdom must be preferred before any personal respect, and none to be spared that shall offend after so fair a warning."—Ordered to be ob-

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served accordingly, with this alteration, viz. "This freedom to begin with the date of the writ of summons, and to continue 20 days after every session of parliament."

*Order of the Lords concerning Judicature.*] The Earl Marshal also reported, That the lords of the committee had thought this order proper concerning Judicature, viz. "The lords of the high court of parl. do hold it fit to consider of some Orders for the trials of such persons as shall hereafter be brought before them, and come to Judicature: but the session being soon to end, at this time, their lordships think it fit to declare now in general, That as this court is the highest from whence others ought to draw their light, so they do intend the proceedings thereof shall be most clear and equal; as well on the one side, in finding out offences where there is just ground, as, on the other side, in affording all just means of defence to such as shall be questioned. For the particulars, they do at this time order, That in all cases of moment the defendants shall have copies of all depositions, both pro & contra, after the publication, a convenient time before hearing, to prepare themselves: And also that if the defendants shall demand it of the house in due time, they shall have learned counsel to assist them in their defence, whether they be able, by reason of health, to answer in person or not, so as they chuse council void of just exception; and, if such council shall refuse them, they are to be assigned as the court shall think fit. This their lordships do, because in all cases, as well civil, criminal and capital, they hold that all lawful helps cannot, before just judges, make one that is guilty avoid justice; and, on the other side, according to his majesty's most gracious speech, 'God defend that an innocent man should be condemned.' Likewise for calling a member of this house to the bar, their lordships hold it fit to be very well weighed, at what time and for what causes it shall be; and therefore the time being now short, precedents are to be looked out, and this to be considered of at the next meeting."

*Petition of the Commons to the King, complaining of divers Grievances.*] The following Petition to the King, from the House of Commons, complaining of divers Grievances occasioned by Monopolies, &c. is taken from a Collection of Speeches, &c. in 1623 and 1624, communicated by the Rev. Dr. Zachariah Grey to the Editors of the "Parliamentary or Constitutional History of England." This Manuscript, apparently in the hand-writing of those times, the Doctor calls "Capt. Wingate's Manuscript."—The Petition is without date; but it seems to have been presented to the King just before the conclusion of this session, because his Majesty's Speech, as the reader will perceive, is, in some measure, an Answer to it.

"Most Gracious Sovereign, We your most loyal and loving subjects the Commons, by your royal authority assembled out of all the parts of your realm of England, in this present parl. as well out of duties and zeal to your majesty, as out of the sense of that just grief wherewith your subjects are generally afflicted, do, in all humility present the Complaint of the Commons of your realm against those Grievances ensuing to your gracious view, humbly and instantly praying due redress thereof.

"FISH.—Whereas upon divers suggestions, and to set forward the plantation in New-England, your maj. did grant your letters patent, bearing date the 3rd of Nov. in the 18th year of your reign, unto sir Ferdinand Gorges, and other patentees, whereby your maj. prohibited all your subjects to visit the coast, without the licence of the patentees; and, by pretext thereof, your maj.'s subjects have been interrupted to fish in the main sea upon the same coasts: in which letters patent it is further contained, 'That if any of your subjects should offend contrary to the same, they should forfeit their ships and goods, the one moiety thereof to your maj. and the other moiety to the patentees.' Now, in respect the trade of Fishing is a most beneficial trade to this realm for the increase of shipping, navigation, and mariners, and the bringing in of bullion and victuals to a very great yearly value and supply; and yet the free exercise thereof is restrained by the said letters patent, contrary to law, and to the general damage of this realm; and forasmuch as the said Grievance was complained of, and examined by and before the Commons in this present parl. and the said sir F. Gorges who undertook the defence thereof, for himself and other the said patentees, being called hereunto, and at several days deliberated and fully heard therein, by himself and his learned counsel, could not defend the same; and yet the premises, notwithstanding your loving subjects may be hereafter vexed as heretofore they have been, by colour of the said patents, so far as they concern the prohibition of free fishing, and the incidents thereunto, and the confiscation of ships and goods, and all restraints and penalties therein contained, concerning free Fishing, and which may hinder the same, to be utterly void and against your laws, and never hereafter to be put in execution."

"GOLD WIRE-DRAWERS.—Whereas, within the city of London, there was an ancient art and trade of Gold Wire-Drawing, exercised by divers, being members of the corporation of goldsmiths of London, whereby they maintained not only themselves and their families, but also set many other persons on work, until one Matthias Fowle and others (men never bound apprentices in the said trade according to the law) obtained from your maj. letters patent, bearing date 14th of June, in the 21st year of your reign; whereby they were incorporated by the names of Gold Wire-drawers of the city of London, the governor, the assistant, and commonalty, upon suggestion that they would import from foreign parts, to be converted into current coin of this kingdom, so much foreign gold and silver coin and bullion, as should countervail the bullion they should use in mak-



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ing Gold Wire and other manufacturers; and also the same Gold Wire should be of a sufficient goodness, and sold at the like or cheaper rates than the same was before the said new corporation: and, by the said letters patent, the said Gold Wire-Drawers, anciently brought up to and using the said trade, were prohibited to use or exercise the same any more. And further, your maj. by the said letters patent, at the prayers of the persons so newly incorporated, did impose 6d. upon every ounce of gold wire that should be made or sold by them within this realm. The humble Petition of your subjects is, That your maj. will be graciously pleased to publish and declare the same accordingly, and that the said letters patent should never hereafter be put in execution."

"CONCEALMENTS AND DEFECTIVE TITLES.—And whereas your maj. of your blessed disposition, taking care of the quiet and ease of your subjects, who had been intolerably vexed by comptrollers or overseers of defective Titles under your great seal, forbid all men to propound or offer to sue for any such lands, for that in your royal judgment they were things fit to be measured by the rules of your maj.'s own conscience; yet sir John Townshend, knt. not regarding your maj.'s royal commandment, hath, by colour of his letters patent, obtained since your maj.'s said prohibition, of 15 hospitals employed for the furtherance and relief of old, poor, and impotent people, and many other lands and tenements in divers counties and parts of your realm, in the possession of your subjects, extremely vexed by unjust suits in your maj.'s name; and otherwise the governors and poor of the said hospitals, and other your maj.'s subjects, to their great charge and hindrance, and almost undoing. Our humble Petition to your maj. is, That the said letters patent, for the causes aforesaid, may be called in, and cancelled; and that the said sir John, and all claiming under him, may be by your maj. prohibited to vex or trouble any of your maj.'s subjects, by pretext or colour of the same."

"BRIEFS.—And whereas licenses under the seal, to gather monies of your subjects, to persons pretending losses by fire or otherwise be against the statute in that case made and provided, are grown to such excessive numbers, that many mischiefs and inconveniences thereupon ensue, in all parts of your realm. Our suit to your maj. is, That the statute in that case made may be observed, and that no such licenses may be hereafter granted."

"APOTHECARIES.—Whereas the Apothecaries of the city of London have been anciently members of the company of grocers of the same city; and whereas the said grocers did, and do, far exceed the number of Apothecaries, and did even buy and sell all manner of drugs as well as apothecaries, which drugs at several times of the year, were, by the president and censor of the college of the physicians, searched and viewed whether the same were useful or not; and whereas as well the said grocers as others did use to distill all kinds of waters, a great part whereof was transported beyond the seas, to your maj.'s great and yearly benefit; the said Apothecaries, without consent of the said grocers, obtained letters patent, bearing date 6th of Dec. in the 15th year of your maj.'s reign, whereby the said Apothecaries are incorporated and divided from the company of grocers; by colour of which said letters patent, the apothecaries have appropriated to themselves the whole buying and selling of all drugs, and the whole distillation and selling of all waters within the said city and 7 miles thereabout; which dividing of the apothecaries from the grocers without their consent, and the appropriating of the distillation of the said waters unto the apothecaries, and the sole selling thereof by them, is against the law, to the impoverishing of many persons and their families. Your loyal subjects, therefore humbly pray your maj. graciously to be pleased to declare the said letters patent to be void, and that the same shall not hereafter be put into execution.

"WINTERTONNESS LIGHTS.—Whereas by an act of parl. power and authority to erect beacons, marks, and signs for the sea, was given to the master, wardens, and assistants of the Trinity House, as to men skilful and expert in that behalf; and whereas, at the earnest request of the seafaring men passing by the coasts of Norfolk, they, at their own costs and charges, erected a sign for the sea, commonly called a Light House, of stone, at Wintertonness in Norfolk, and agreed to take, and did take, but 6d. for every 20th chaldron of coals of ships passing that way. So it is that sir John Meldrum, upon suggestion that there was want of a light-house at Wintertonness, obtained of your maj. letters patent, to erect a light-house there, which letters being made upon that consideration, were void in law; for that there had been a light-house there by the space of half a year, or thereabouts: and though it were true, as sir John pretended, that he had petitioned to your maj. for erection of a light-house, before the said light-house of stone was erected, yet the said letters patent are void in law, for that they of the Trinity-House, having authority as is aforesaid by act of parl. did, before the said letters patent, erect a light-house as is aforesaid; where they of the Trinity did take but 6d. for every 20 chaldron of coals, the said sir John by colour of the said letters patent, for every 20 chaldron of coals, hath taken 3s. 4d. and will not suffer the ships to make their entries, or take cocquets, before they pay the said excessive duty of 3s. 4d. to the intolerable damage and loss of your subjects, he hath taken after the rate of 3s. 4d. of divers seafearing men, that sail not that way, nor in their course could take any benefit of the said light-house. Our humble Petition is, That your maj. will be pleased to publish the said letters patent to be void in law, and to command that they be no more put in execution."

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"SIR SIMOND HARVY.—The said sir Simond Harvy, of his own authority, made warrants to divers constables of the county of Hertford for taking malt for your maj.'s provision; which, by colour thereof, was taken accordingly, and paid not such prices for the same as, if the taking had been lawful, they ought to have received. He, in your maj.'s name, likewise caused to be taken of Quested, a fishmonger of London, a great quantity of lings for his maj.'s provision, where he ought not to have taken the same, and yet paid not therefor, as if the taking had been lawful, he ought to have done. He hath, wittingly and willingly, over-charged divers counties, as Hertfordshire, Essex, and Hampshire, with carriages for your maj. he not finding any or proportionable carriages for such counties as had compounded; whereby your maj.'s subjects were grievously oppressed. Whereas the words of composition and covenant for purveyance of oxen, &c. be, 'That all undertakers should have their monies immediately upon the delivery of their provisions, the undertakers of Buckinghamshire, Berkshire, Herefordshire, Gloucestershire, Lancashire, Cheshire, Yorkshire, Wiltshire, and many other counties, having delivered good and serviceable oxen, &c. and so allowed by your maj.'s officers, and going to sir Simon, with a debenture for money, was answered, 'That they could have none;' to the extreme hinderance of all, and the utter undoing of some of them; whereas, before sir Simon became officer, they were duly paid according to the said composition.—It hath been testified unto us, that 2000l. will not set your hon. household in so good case and order as it was before he came to intermeddle with the same; for before his time, your maj. had usually in store 500 quarters of wheat, 200 oxen, 2000 muttons, 5000l. in hay and oats, and other provisions; whereas now your maj. hath none, or very little; for he takes this course, that he selleth the good and fat oxen and muttons, and buying meat from the butchers, many times your household hath been very ill served, to the great dishonour of your maj. And, to shew the bad disposition of this needy person, the said sir Simon hath, cunningly and treacherously, cozened and cheated Liekland, one of your maj.'s servants, of 530l. We your humble subjects that are ever, and shall be, sensible both of your maj.'s honour and profit, thought it our bounden duties to inform your maj. of these particulars, not having time to examine any more, to the end that the said sir Simon may (to terrify others offending in the like) receive condign punishment, according to the merit and justice of his cause."

"GAOLS.—Whereas, by the common laws and statutes of this realm, the custody, rule, keeping, and charge of every of your maj.'s common gaols, prisons, and prisoners, in every county within this your realm of England, doth belong to the sheriff of the said county, as incident to his office; and the said sheriff only, and no more, is accountable and answerable, as well to your maj. as to all and every of your subjects, for all prisoners committed to the said gaols, and is to pay and satisfy all the debts and damages, for which any prisoner is thereunto committed, if he, by any means, escape out of the same; and therefore all grants of the custody of such gaols made by your maj.'s predecessors, kings or queens of this realm, have heretofore, in the time of queen Eliz. by the resolution of the judges, been declared to be void. And whereas, also, in your maj.'s counties of York and Lancaster, and other counties of this realm, where common gaols have not been erected by statute in other places, then your maj.'s castles, the common gaols of every county have been kept in some of your maj.'s own castles, of which castles, as well as of the gaols therein, the sheriff of the said county for the time being hath had the custody under your maj. or your predecessors, kings or queens of this realm, as belonging to his sheriffwick; and therefore all letters patent, and grants of the custody of any common gaol in any county of this realm, made to other person or persons for life or years, than the sheriff of the said county, in the time of Hen. 7. have been declared to be utterly void. Therefore your maj.'s most loyal subjects of your commons house of parl. most humbly beseech your maj. that it would please your highness, out of your zeal to public justice, to revoke and make void all letters patent and grants of the custody of any common gaol, in any county of this realm, made to other person or persons than the sheriff of the said county for the time being. And that, of your royal grace, it would likewise please your maj. that the sheriffs of the said counties of York and Lancaster, and of all other counties where the common gaol of the county hath been usually heretofore, and still is, kept in some of your maj.'s castles in the said counties, may have the custody of these castles, as belonging to their office, for the necessary service of your maj. and general good of the commonwealth, for the due keeping of all prisoners in the said counties."

"SEA-COALS.—Whereas it pleased your maj. the 22nd day of Sept. in the 21st year of your happy reign over us, to grant unto sir Rob. Sharpleigh, knt. and Alex. Hetley, esq. a patent of surveying ships of Newcastle Coals, with a fee of 3d. upon the great chaldron; and whereas, likewise, it pleased your maj. by sir John Sucklyng, knt. comptroller of your maj.'s household, and a member of our house, to intimate unto us your gracious intention to have the said letters patent considered upon by your privy council, between this and the next session of parl. according to a clause in the said letters patent contained; and thereupon, out of your princely care, to provide against any inconvenience that might grow to your subjects thereby, we your maj.'s most loyal and dutiful commons, with all humble thankfulness, acknowledging your maj.'s most princely grace and justice, and accounting it a singular happiness to live under the govt. of a king so just,

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and ready to hear the grief and complaint of his poor subjects, have nevertheless thought it our duties, and agreeable to the fundamental rights and liberties of parl., more fully at this time to make known unto your maj. the just grievance of your people, by and upon occasion of his patent, whereof your maj. can no ways be so properly, truly, and thoroughly informed as your commons assembled in parl. May it therefore please your maj. to take notice that this patent is not only in itself unlawful, as being grounded upon many untrue suggestions, and burdensome unto your people in laying a new charge upon them without common consent; but tends also to the great decay of the navigation of this kingdom, and to the great diminution of a profit which your majesty receiveth upon Newcastle Coals; the trade whereof, by occasion of this new office, hath been, and is like to be, interrupted; and we do plainly find that this patent, in consequence, is of a very dangerous nature, and reacheth to the subversion of the property, which your subjects, by the laws of your kingdom, have, and of right ought to have, in their goods and estates, amounting, in effect, to an imposition upon a native and necessary commodity to be expended within this realm, which your maj. hath been pleased, in open parl. to disclaim any right at all unto, and graciously to protest, that you did abhor either to express or claim any such power; it being the undoubted right of your subjects, that no burden of this kind be laid upon them without their own voluntary consent in parl. Wherefore, in all humbleness, we do, upon this occasion, present unto your sacred wisdom, our most just complaints and fears; herein, most humbly and instantly, beseeching your gracious goodness to secure the hearts of your loving subjects against this and the like in time to come, by being pleased to take such a course for the calling in of that patent, as to your princely wisdom you shall think most fit; and we are full of hope, that, out of your further grace, you will be pleased to make known to your whole kingdom, your just indignation and displeasure against such as shall presume to offer to your maj. any suit of this nature."

"POPISH BOOKS.—That whereas your most excellent maj. at the humble petition of your lords and commons in this present parl. assembled, (see p. 1410), hath, to the great comfort of all your religious and well-affected subjects, by your proclamation, banished all Jesuits and Priests out of these your dominions, at a day certain, not to return under such pains as, by the laws now in force, are justly to be inflicted; that, nevertheless, it is apparent, that the said turbulent and ill-affected persons, the better to insinuate themselves, and those of their faction, in the favours and good opinion of such as, of meaner judgment and meaner capacities, have of late, more than heretofore, taken the boldness to divulge and disperse sundry popish, seditious, and pestilent Books and Pamphlets throughout all the parts of this your kingdom, whereof there is a catalogue extant in print of 150 at the least, printed and published here within this 2 or 3 years, besides no small number of that kind daily imported from parts beyond the seas, and ordinarily sold and vended amongst us; by means whereof they endeavour not only to corrupt the youth of this realm, to deprave and scandalize the true religion here established, and to advance the power and authority of the see of Rome; but, as much as in them lieth, to withdraw the hearts of your faithful and loyal subjects from their due obedience to your royal maj. May it therefore please your maj. at the humble suit of your Commons in this present parl. assembled, in a cause so highly concerning the glory of God, the preservation of your maj.'s person, religion, and estate, that such speedy course may be taken for the suppressing of all such seditious and Popish Books and Pamphlets, and to prevent the printing and importing of any such as, in your maj.'s royal judgment, shall seem most meet and convenient; and that the laws in force against the offenders may be put in execution."

"BUILDING.—Whereas your maj. amongst many of your royal favours and gracious promises, offered your loyal subjects, upon consideration of a Petition of Grievance presented to your maj. in the 8th year of your happy reign over us, by the commons then assembled in parl. was pleased to promise that such proclamations as were then past should be reformed, where cause should be found; and that, for the future time, none should be made, but such as should stand with the former laws and statutes of this kingdom, and such as, in cases of necessity, your royal progenitors had used in times of the best and happy govt. of this realm. Nevertheless, some of the said proclamations, then complained of, stand in force, and have been oftentimes since (by other proclamations touching the said former proclamations) precedents to warrant the latter; amongst which we present to your princely wisdom the several proclamations concerning Buildings; which is a great grievance to the freedom and state of the subjects, in that they cannot repair or amend their houses in London, or within the distance of 5 miles of any of the gates of the said city, being their inheritance, without the licence and allowance of certain of your maj.'s commissioners, under danger of the censure of the Star-Chamber, as appeareth by divers proclamations made in that behalf; and, namely, by one dated the 17th day of July, in the 18th year of your reign. —And the grievance at this time is so much the greater, by reason that the state of the city generally is poor, and hath now many payments to your maj.; and this great restraint will in a short time be a great cause of their further impoverishing; and many men that are able to repair, and are not able to build, and some that have intended to build part of their houses have been enforced to pull down the rest, and new-build the rest, to their utter undoing; whereas

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the same, with small reparations, would have continued many years.—And your subjects further shew, That many carpenters, plasterers, smiths, and other handicraft men, are in great distress for want of work, and divers of the said workmen have been taken from their work, and committed to prison, and so forced to leave their wives and children to parishes: and that thereby the subjects are debarred the common law of this land between the landlord and tenants, which are now censured by the Commons who have set down what charge the lord and tenant shall be at in building and repairing their houses. We therefore, your maj.'s humble subjects, the Commons in this parl. assembled, do humbly desire your maj. to declare your royal pleasure, that the said proclamations, and commissions thereupon, concerning Buildings, and repairing of Buildings, be void, and shall no farther be put in execution."

"DR. ANION.—Whereas complaint hath been made to his maj.'s Commons, now assembled in parl. against dr. Anion, president in Corpus Christi college, in Oxford, of sundry misdemeanors in governing the said college, and other erroneous and scandalous offences, unworthy of his degree, calling, and place; which, upon examination before them, have appeared in the greatest part, to be true. Forasmuch as nothing can be more agreeable to your maj.'s great wisdom and knowledge, than to have the particular care of the advancement of learning; nor to your goodness, to have a special regard of the government of youth in your two famous Universities, as well for religion, as for other important employments in the state. Your most dutiful Commons, in all humbleness, beseecheth your most excellent maj. that some course may be taken, according to your princely justice and wisdom, for removing the said dr. Anion from the place of president in that college."

"COURT OF WARDS.—Whereas your maj the 11th of Dec. 1618, by your commission under the great seal, with instructions and directions to the master and council of the Court of Wards and Liveries, of your royal and special care for the good of your subjects, and the true answering of your revenues concerning wards of idiots and lunaticks, established divers orders, by advice of your principal judges and counsel of the said court; so it is that the earl of Middlesex, late master of the wards and liveries, procured the said good orders, instructions, and directions to be revoked, and others, in lieu thereof, to be made and published, concerning many inconvenient clauses, tending to the diminution of your maj.'s revenues, and raising a great increase of fees and other charges of the subject. Our humble suit to your maj. is, That you of your grace and goodness, will be pleased, for the better answering of your said revenue, and the good ease of your subjects, to revoke your said late instructions, and to re-establish or regulate the former, as in your princely wisdom you shall think fit."

*The Speaker's Speech at the Close of the Session.*] May 29. His majesty being placed on the throne and the lords in their robes, the commons, with their Speaker, sir Tho. Crew, were admitted into the royal presence. The Speaker came up with great reverence and low obeisance to the king, and being at the bar, delivered, say the Lords' Journals, a learned Speech. Only the heads of it are preserved in that work, but the MS. just quoted has it at length, as also the Lord Keeper's Answer: the Speaker's speech was as follows:

"Most Gracious Sovereign; The great and mighty God, who is the Alpha and Omega, the beginning and the end of all things, hath, by his good providence, brought his hopeful entry into this parl. to an happy period and conclusion, and hath manifested to the Christian world a blessed unity and conjunction between the head and the members in one heart. In the building of the Temple there was not an hammer heard, but all was smoothed, and wrought, and prepared by the cunning hand of the workmen before they were laid.—God, the author of peace and concord, who makes choice of a house in the mind, hath so united the hearts of both houses in one desire and correspondency, that in the great and weighty business, wherein your maj. was pleased to discern and ask their advice, they have all concurred without a negative voice; and your grace and goodness hath broken forth like light, that have been pleased to follow and approve the same, imitating the precept of the wise king, Prov. xv. 22. "Without Counsel purposes are disappointed; but in the multitude of counsellors they are established.'—In the interim of our debates of that important subject, we neglected no time, but husbanded it in penning and passing of bills, and especially those that concern the publick good, and will remain to posterity as a memorial of the honour of your time, and the weal of your people. It is the highest pitch of a true monarchy, and greatest of height of your outward happiness, that you rightfully reign and rule alone, and yet that your commonwealth is so compounded by the sound laws of the same, that your people have their voice and suffrage in making and altering of laws, which are the sinews of your govt. that holds the body together; and their equal composition and impartial execution is a principal means, under God, to secure your royal person, and to support the state. It is the nature of man to be in love with its own child; and by this parliamentary way, the people are left without excuse, and have their mouths closed up, who else might take occasion not to be so well satisfied. The bulk of these petitions, as some of them have proceeded from your own grace, so now all of them return to your gracious acceptation.—But these Petitions, be they never so fitly framed, or judiciously digested; yet, for the part, they are but as speculations (yea, that I may use the phrase of mine own profession) as 'Infante in ventre sa metre,' of whom it may be truly said, That the children are come to the birth,

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but have no strength to be delivered, till your maj. breathes life into them; yea, they are but as shadows till the royal assent make them a body. In the ranking of these Bills, the first place is assigned to that which first past, and is to prevent and repress disorders in that day which God hath set apart for his own service and worship; 'à Jove principium.' Others, to punish and redress profane Cursing and Swearing, and the loathsome sin of Drunkenness. Another, an Explanation of the statute of the 3rd of your maj.'s happy reign, to disable Leases of your own two parts of convicted Recusants' lands, made to the benefit of the recusant, contrary to the true intent of the former law, and to revest the interest to your maj. the rather to reduce them to conformity and obedience, that have been long sick of a spiritual drunkenness.—Other Bills of Grace descending from your own goodness, that have been graciously pleased, as it were, to let fall some leaves from the flowers of your crown, for the ease and benefit of your people, and yet the flower continues fresh and entire. One or other hath moved from the goodness of our hopeful Prince, to clear doubts that might arise upon his highness's leases of the possessions of the Dutchy of Cornwall land, and to ratify the same the more to encourage his tenants to build. Another, the Continuance and establishing of divers Laws useful, that were but probations and repeals of divers more, that were as snares for greedy informers to work upon. Others are new remedies for such mischiefs as time hath discovered to need redress. These public bills are accompanied with some private ones, as colleges, hospitals, naturalizing your subjects and servants, the public bills expecting the joyful voice, 'Le Roy le veult;' the private bills attending, 'Soit fait come ce desire.'—Neither let it seem strange to your maj. that in a commonwealth so well compounded, there is yet some explanation of laws, alteration of some, 'Multa dies variusque labor, mutabilis qui vetulit in melius.' And the memory still lives of your famous progenitor king Edw. I. who, after his conquest of Wales, in his parl. saith of the laws and customs of that country, 'quasdem, &c.' 'Stability only attends the better life, but in all earthly things there is mutation and change.' And as in the first motion of the heavens there daily arise new aspects and conjunctions that alter the inferior planets; so, in kingdoms and commonwealths, new inconveniences are discerned, and might be dangerous if that they be not prevented. And as new diseases in the body require new medicines, so new diseases in the state must be cured by the remedy of good laws. Yea, in the commonwealth of Israel, which were God's people, and he gave them the law, the doubts arising were cleared from God's own mouth by Moses; as that for the punishment of the blasphemer, the gathering of sticks on the sabbath day, and the like.—And now, dear and dread sovereign, we the knights, citizens, and burgesses of the commons house of parl. with bended knees of our hearts, do render all possible thanks to God, and to your maj. his lieutenant, for the blessing we enjoy in the continuance of the Word and Gospel amongst us, and our conservation in true religion: and it is our exceeding comfort that no jealousy nor mistaking hath bred any rupture or distraction amongst us, nor given cause to tell any thing in Gath, or in the tents of Ascalon, whereby the Philistines of Rome may rejoice, or the uncircumcised priests of Baal triumph; but that the true believers at home, and our neighbours and confederates abroad, may rejoice and sing a new Song of Joy, in seeing this happy turn to the affairs of Christendom, since our hopeful Prince's return, God having wrought light out of that darkness. 'It is the Lord's doing, and let it be marvellous in our eyes.'—But that we might be so happy to see the kingdom quiet, and those locusts the Jesuits and seminary Priests, that are enemies to monarchies, and wait for opportunity to do mischief, whose chief point of learning consists in flattery, and dividing of unity; and if this city that is your royal chamber, and other parts of your dominions were clear swept, and these Babylonish Achans taken out of the tents, your person and state would be more secure, and peace would be upon the Israel of God, and your subjects, laying aside 'de Tristibus,' might be more chearfully sent home, with that good father st. Hillary in their hearts.—We do further acknowledge, with all humbleness and thankfulness, your maj.'s great favour to us, in the enjoyment of our antient Privileges, free Speech, and Freedom from Arrests and troubles. And that your maj. hath been graciously pleased, at our humble suit, to give often Access to your royal person; and by your own mouth made so clear an expression, of a benign interpretation of our proceedings.—And we further do most humbly acknowledge your gracious favour, that have, according to the latitude and bounty of your royal heart, and suitable to your own greatness and goodness, inlarged your general free Pardon beyond all times, whereby to some, who were dead by the justice of the law, a new charter of life and mercy is sealed; to others that be outlawed, and forfeited their goods, a restitution of grace is granted, old debts discharged, and the scores and reckonings cleared, cancelled, wardships ensuing, and not suing of liveries, and autre-le-maynes freed. And generally to all relaxation from many pains and penalties, to which, by errors and negligence, they were fallen.—And here, we do, in all humbleness, present to your maj. a free gift of 3 entire Subsidies and 3 entire Fifteenths, granted by the temporality, and a confirmation of Subsidies granted by the Clergy, which we have given with alacrity to those ends to which your maj. first propounded; and I hope God will direct your maj. to make your sword your shricte to put your son-in-law in possession of his antient patrimony, or to make execution by way of Withernam of

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another as valuable. God is on our side in a good cause, 'Frangit et attollit vires in milite causa.'—I am out of my element, but the zeal and affection to the honour of my sovereign, and support of a branch of the royal blood, transports me, and will excuse me; which points of Supply no sooner came in proposition, but passed, not one dissenting. 'Hilari manu, celeri manu;' and, I may say, 'plena manu,' considering the speedy payment in this time of decay of trading, and the disvalue of the royal English silver mine of wools.—Accept, in some sort, dear sovereign, this present for the present, as a pledge of our unfeigned and loyal duties, and a testimony, as well of the professed service of our bodies, as of the entire subjection of our hearts. And now that your maj. hath given a liberal and large Pardon to all your people, give me leave to interest myself therein, and, with bended knees, to fall down at the foot of your favour for a particular pardon, and (quietus est) that may cover and quit my errrors and defects; since, by the free choice of the house, and your maj.'s approbation, I underwent this charge. And that whatsoever, by my insufficiency and inabilities, hath given disadvantage to your service, may, by your goodness, be forgotten; and the faithful endeavours of your humble subject receive a gracious acceptation."

*The King's Answer.*] The King's Answer to the above Speech is very much curtailed in Rushworth, and only the heads of it are entered in the Lords' Journals. It has, however, been recovered from an old Manuscript Collection of parliamentary proceedings in this and the following reign, communicated by sir John Napier, of Bedfordshire, bart. to the Editors of the "Parliamentary or Constitutional History of England;" and is as follows:

"Mr. Speaker, and you the Gentlemen of the Lower House; I will begin with the end of mr. Speaker's Speech, which was a presentation of the Subsidies, and the Thanks he gave me for allowing you your Privileges and Liberties, together with the free pardon of his own weakness. The Subsidies are granted to my grand-children, whose case, I must confess, is somewhat desperate: I pray God I may see that good end thereof that I wish, for I know not how it may please God to dispose of those things, whether peaceably, or by force, it may please him to repay unto me the wrong done unto them. But, as I said at first, so I pray again, I desire not to live; nay, I wish to God never to have been born, rather than such a blot should lie on me, as not to hope to see a restoration of the Palatinate, or at least a possibility of it, before God close up mine eyes. And I have sworn, that all you have allowed for the business, shall only and wholly be employed for that end; and, as God shall judge my soul, I never had any other meening, if I had not been bound and limited thereunto. But as, on the other side, I assure myself, that, as yourselves will confess, here is nothing given for the relief of my estate, which all parliaments were wont to consider of; especially one that has lived in that necessity, and has had less supply from my people, than any of my predecessors, I know not how many hundred times before: so I assure you on the other side, you shall have a new session in the beginning of next winter, that then you may meet together, and consider how to supply my particular wants; and if you will be careful in this, as I assure myself you will, I will only employ it to the advancement of such government among you, as shall become a king, and to the increase more and more of the service of God, and restoring the patrimony of my children.—For the other point, I have reason, and truly, without compliment I do it, to thank you for my own person, and your particular behaviour to me at this time; concerning which I must needs say, that in all this session, neither in any days was it heard of; and, I think it is without example, that ever Lower House sat with that continual obedience to my person and honour; for in all your actions, you have given more true demonstrations hereof, than ever was given heretofore by Lower House: and for matter of scandal, it was no sooner moved among you, but it was dashed; avoiding all occasions that might be a blot of offence between me and my people; for which, as I said before, so now again, I thank you, without further compliment; and if it shall please you, when you shall return, to go on this way, this parl. shall be crowned with the greatest happiness that ever was held by a king.—But I must admonish you of some few things, and that I pray you take in good part. And that as touching Grievances, mr. Sollicitor made mention of some yesterday, when I was present, as I said to some of you; so now speak I to all of you, that you be not too ready to hunt out Grievances, where there is no cause; for I may say this, and say truly, that I never saw parl. that had lesser and smaller matter of grievances than you have had; I find most of them to be slight ones, which indeed makes my heart jovial. Now, as concerning your Grievances, be careful to present such as shall be general touching the commonwealth, trading, and corporations; and as it lies not in your power to raise and create Grievances, but upon just cause; so again you ought not to conclude or determine, and remedy, without first letting me have the hearing and allowing of it. I will go through all your Grievances, and weigh them fully; and, when I have done, you shall have a clear Answer to them, such a one as shall be agreeing to justice, and convenient to meet with the present necessities of my people. No Courtier's particular good shall be preferred to the subjects requests in general; and herein I will not take advice of myself, but I will canvass the business with the help of my privy council, and the judges counsel of the law. But now, amongst other grievances, I must tell you some of my grievances: one is concerning the manner and form of Buildings here in London; you have made a Grievance

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of it, and I am justly grieved at it; for, I protest to God, it hath been my only aim ever since I came into England, to make the city of London, the metropolis, the mother city of England; that I may say with the emperor, I had it *straminium*, but I leave it *marmoreum*. I care not for the grudges of many particular men, that are in very deed a shame to this kingdom. I marvel much you should condemn the commission, without hearing the commissioners: if they be too strict in their points, I pray you complain to me, and I will redress it, and give you ease. God knows I have no other end therein, but the welfare and honour of the kingdom.—Another cause of Grievance is concerning dr. Anion, master of Corpus Christi College in Oxford, whom you have called in question touching Church Matters: you had all of you, at the beginning of this parl. taken the oaths of allegiance and supremacy, whereby you have acknowledged me supreme head in ecclesiastical matters. I have referred that matter to the bishop of Winchester, who is visitor of that college, upon whose learning, gravity, and piety, I will rely in this case.—Another Grievance of mine is, that you have condemned the Patents of the Apothecaries in London. I myself did devise that corporation, and do allow it. The grocers, who complain of it, are but merchants; the mystery of these apothecaries, were belonging to apothecaries, wherein the grocers are unskilful; and therefore I think it fitting they should be a corporation of themselves. They bring home rotten wares from the Indies, Persia, and Greece; and here, with their mixtures, make waters, and sell such as belong to apothecaries, and think no man must controul them, because they are not apothecaries.—Another Grievance is concerning Books seditious and heretical. It is a shame that England should be the only place in the world to honour such books both popish on the one side, and puritan on the other: but, for this, I will provide there shall be such overseers, that may prevent their coming into print, and those that are in print already, to suppress them. No man shall be more desirous to fulfil your desire in this point than I will.—And lastly, touching my Patents in general, I am grieved that you have called them in and condemned them upon so short examination. I confess I might have passed some upon false suggestion and wrong information; but you are not to recall them before they be examined by the judges. And here I have heard it complained of by divers of my learned counsel in the law, that you will from time to time, delaying the patentees, still call for patents without just ground; and so put the subjects still to more charge, and so consequently put a scorn upon my patents.—Therefore I advise you to be careful, that you have a good ground before you call for your patents, that you do not defraud the patentees; hereupon falls out that which I spake to the face of many here present, the Lawyers, of all the people of the land, are the greatest Grievance to my subjects; for when the case is good for neither party, yet it proves good and beneficial to them: therefore this I say to you when you judge of patents, hear patiently, say not presently, it is against the law, for patents are not to be judged unlawful by you.—I must first believe myself and my council, and then you are to give your opinions of the conveniences that may ensue thereupon. And now I pray you take in good part my thanks and admonitions both; and I assure myself you will take my fatherly admonitions, as well as my thanks, in good part, as you ought to do from a king, who ever was, and still will be the father of your country."

*The Lord Keeper's Answer to the Speaker's Speech.*] Then the Lord Keeper, conferring first (as the manner is) with his majesty, addressed the Speaker thus:

"Mr. Speaker; I am no way prepared to give Answer to your speech, nor endeavour I to do the same; but, because some philosophers say, that a viol well tuned, hanging upon the walls, and a man touching another, he shall hear that which hangeth upon a wall will give assent to the same harmony; so I can but say something to every of them, and give assent to that sweet harmony of yours. You have spoken of Unanimity, of the King's Grace in asking your advice, and following of it; of the Suffrages of the People in making of Laws; of his maj.'s royal assent; of Swearing; of the Sabbath and Drunkenness, especially in such time of Grace; and so particularly you have returned thanks to his maj. for free Access, and of the large Pardon, and of Priests and Jesuits; of the Subsidies, and of the Palatinate; and of your own behaviour to these particulars, that his maj. hath not answered, I will touch in a word.—For the Unanimity of both houses, it must be attributed solely to the goodness of Almighty God, that work of the Holy Ghost, who was the author of that Unanimity; for God the Holy Ghost, much about this time, fell amongst the Apostles in one place assembled; Acts i. 2. that they were all of one mind and of one assent: so where there is this Unanimity, there is the Holy Ghost, who is the author of it. 2dly. In asking your Advice and following of it, you attribute it to the goodness of the king: and it cannot be denied, for he hath gone beyond all precedents. 3dly. Touching the Suffrages of the People in making of Laws, it is convenient, yea, it makes the people, as st. Paul saith, to be without excuse; for of the law it is said to be a common consent and a covenant; for when God delivered the law by Moses to his people, he takes their consent, Ex. xxiv. 3. whatsoever the Lord said to them they gave approbation to it. 4thly. For the Royal Assent, it is a thing so proper to law-making and giving, that the sceptre is joined to the law-giver: you may remember the promise of the Messias, Gen. xli. 10. 'That the sceptre shall not depart from Judah, nor a law-giver from between his feet.' Indeed it is best for the

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people, that this royal assent is in his maj. and not in themselves; for many times it falls out with the assent of kings as it doth with God; for Almighty God many times doth not grant those petitions we do ask.—Now, God and the king doth imitate the physician and a king; they will not give that which they desire, because that they know how to fit their patients and subjects with better things than they do desire. I will put you in mind of two precedents out of the Book of God, in my own profession; the first is in 1 Kings, ii. 20. There is a precedent of Bathsheba putting up a petition to king Solomon for Adonijah, and she desired that the king would not deny her; he bids her, 'Ask on, my mother, for I will not say thee nay' yet he denied her petition; and though it was denied, yet she had her intention for it was only to give contentment to Adonijah. The second is out of the New Testament, 2 Cor. xii. 7. where st. Paul saith 'that a prick of the flesh was a hindrance to him in the performance of good things;' now he puts up his petition to God, to remove this from him that was such an hindrance unto him. Now this was a public bill for himself and others by his prayer; now God refuseth this his petition, and gives him a better gift: for the Lord gives him grace. And so it fares with kings in giving of their royal assent, for many times they do reject some of their petitions; but yet, in other things, gives them a far more liberal assent than the y did desire by their petitions. 5thly. For those Bills of Grace; they are so, because it comes from the Grace of his maj. and they do flow from his royalty. As for the bill of grace for the Prince who is grace itself, and must be full of goodness, if that he be the son of such a gracious father. 6thly. Thanks to his maj. 1st, for the Privilege to your Houses; 2nd, you give thanks for such free Access to his maj.; These are without precedents; for, indeed, those kings that have not such large endowments, are not so easy to have access unto. But we may say of his maj. as one said of his son, that as often as he did see him he did admire him, and bless God for him. 7thly. For the Proclamation against the Priests and Jesuits, we have just cause to give God and the king thanks for it. It is your care that be in places and office, to look to the execution of the same, and that it be not said of us as it was said of Rome, That although they be banished out of the commonwealth, yet they will be lurking up and down in corners; therefore they are to be found out by you, and to be punished. For the Subsidies tendered to his maj. you are therein to give me leave to tell you a short story from Macrobius: when one had paid a great subsidy to Augustus, and in acceptation he sent him a letter, and nothing writ therein but this, 'mihi nihil,' there was nothing to him. And although there is no part of it which returns to his private gain, yet his maj. thanks you for this care that you have for the honour of religion, and the honour of his kingdom, and for the regaining of his son-in-law's inheritance; and for the palatinate, his maj. will omit no way for the regaining of it. Now, for your own excusing of yourself; you have done nothing in this session to be accused for, and his maj. thinks that the general pardon, being so large, will serve the turn; then you need no particular favour.'

The lord keeper, having ended his speech, the clerk of the crown stood up and read the Titles of the Bills passed both houses; and the clerk of the parl. read his maj.'s Answer to each Bill, which being done, his maj. remembered "the breaking up of three former parliaments together, and the happy conclusion of this session;" and put the Commons again in mind, "that at their next meeting they do so carry themselves, that this parliament may be as happily continued to the end."

*Death of the King.*] After all which was concluded, the lord keeper of the great seal, by his maj.'s command, prorogued this present parl. to the 2d of Nov. next ensuing. At which time it was again prorogued, by commission, to the 16th of Feb. following; from thence to the 15th of March; and, lastly, to the 20th of April, 1625. Before which last date, viz. on the 27th of March, in the same year, king James died; by whose death this parliament was finally dissolved.

## REVENUE OF JAMES I.

For the following Sketch of the State of the Revenue during the Reign of James I. we are indebted to Sir John Sinclair's valuable History of the Public Revenue of the British Empire, 3rd Edition, Vol. I. p. 232.

"1. *Demesnes.*—Though almost every reign, since William the Norman sat upon the throne, had been productive of some diminution of the landed property of the crown, yet it still continued to be of considerable value. The nominal rent was small, (amounting, at James's accession, to the sum of only 32,000l. per ann.); it was well known, however, to be worth more; and indeed it afterwards yielded about 80,000l. a year. An attempt was made, in the beginning of this reign, to procure a strict entail of the crown lands, on the king and his successors for ever: but a bill for that purpose, though passed by the lords, was rejected by the commons; and James, finding no obstruction to the sale of those lands, continued the practice, and raised by that means no less a sum than 775,000l."

"2. *Feudal Prerogatives.*—The rights which the king enjoyed as lord paramount, still remained a badge of the feudal slavery of the English. Purveyance in particular was carried to such a height, that the officers of the crown compelled the people to take for their commodities whatever price they chose to offer; and all the feudal prerogatives had become so intolerable that parliament proposed to settle an independent revenue on the crown in their stead. An agreement was likely to have been entered into, at the rate of 200,000l. a year; when, in consequence of disputes be-



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tween the king and his parliament, as to other matters, the plan was rendered abortive."

"3. *Feudal Aids.*—The reign of James furnishes us with the last example in the English history, of any aid being levied on the knighting of the king's eldest son, and the marriage of his eldest daughter. The act on which the first claim was founded, though of a very old date, had been frequently carried into execution by James's predecessors; and Henry, the prince of Wales, was such a favourite with the people, and the whole was managed with such moderation, that it yielded a considerable sum (21,800l.) The other tax, on the marriage of James's daughter to the Elector Palatine, produced 20,500l. It is remarked, that a century had elapsed since this aid had been demanded; no opportunity having occurred since the reign of Henry 7. whose eldest daughter Margaret was married to James 4. of Scotland; in consequence of which alliance, James himself inherited the crown of England."

"4. *Customs.*—The first parliament that James assembled, granted him, according to former practice, the duties of tunnage and poundage for life. But the more productive this branch of the revenue became, the greater anxiety did the crown feel, to enjoy it in its own right, without the necessity of any application to parl. Thence originated the dispute, so warmly contested between James and his commons, with regard to the power of levying customs, and of adding to the rates of the duties that were imposed. The payment of customs by natives, at least to any amount, certainly originated in the grants of parl.; but the crown had so long received these duties, that it began to consider the customs as a permanent branch of its revenue. Both Mary and Elizabeth had shown James the example, of altering the rates on some particular commodities. The same practice he intended to pursue, and to carry to a considerable height, though he was at first cautious not to give umbrage by any important alteration. But the commons took fire at the principle, foreseeing to what lengths it might be extended; and, indeed, passed a bill, abolishing these additional impositions, which the house of lords thought proper to reject. The next parl. was proceeding to take similar steps, when it was suddenly dissolved; and thus the dispute remained undetermined in this monarch's reign. The amount of the Customs was rapidly increasing. At James's accession they yielded only 127,000l. a year. The following is a state of their produce, anno 1613:

| | | | | | |
|---|---|---|---|---|---|
| At the port of London. | | | | | |
| Outwards - £.61,822 | 16 | 7 | 109,572 | 18 | 4 |
| Inwards - - 48,250 | 1 | 9 | | | |
| In all the out-ports. | | | | | |
| Outwards - £.25,471 | 19 | 7 | 38,502 | 9 | 4 |
| Inwards - - 13,030 | 9 | 9 | | | |
| Total - £.148,075 | 7 | 8 | | | |

And, towards the close of this reign, they amounted to about 190,000l. The disproportion between London and the out-ports is very great; and proves, how considerable a share of the commerce of this country, has uniformly centered in the capital."

"5. *Grants.*—The Grants received by king James, during the whole course of his reign, were only as follows:

| A. D. | Year of reign. | Subs. | Fift. |
|---|---|---|---|
| 1606 | 3 | 3 | 6 |
| 1610 | 7 | 1 | 1 |
| 1621 | 18 | 2 | 0 |
| 1624 | 22 | 3 | 3 |
| | Total | 9 | 10 |

These were all the Supplies granted by parl.; and of these, it is said by Hume, that the 3 subsidies and three 15ths, granted anno 1624, amounting to about 300,000l. being paid to parliamentary commissioners, ought not to be stated to the king's personal account. But this idea has been fully refuted by mr. Macauley, who remarks that, though the commissioners received the money, yet they were totally ignorant how it was expended; and as they were obliged to answer all money draughts made upon them by the crown, their power was merely nominal. "One penny of this money, (the king declared,) shall not be bestowed but in sight of your committees: but whether I shall send two thousand, or ten thousand, whether by sea or land, east or west, by diversion or otherwise, by invasion upon the Bavarian, or the Emperor, you must leave that to your king." It appears that a subsidy produced about 70,000l. and a 15th about 36,500l.; consequently, the whole parliamentary grants received by James, amounted to about a million. To this, there are to be added about 12 subsidies from the clergy, which, at 20,000l. each, would produce 240,000l.; and one of the clerical subsidies was at the rate of 6, and not of 4s. in the pound; and therefore yielded 10,000l. additional. One year with another, it is probable that he received, by parliamentary and clerical grants, about 60,000l. per ann. during the whole course of his reign."

"6. *Sale of Honours.*—James had a price affixed to each rank of nobility, on the payment of which a grant was made out. The dignities of Baron, Viscount, and Earl, might be bought at the rate of 10, 15, and 20,000l. and we are told of four earls, who purchased their respective patents, at the sum fixed upon, in one year. But the most complete instance of this mode of raising money, either in the reign of James, or, indeed, in the English history, is the creation of baronets. The plan was carried into execution anno 1611: each baronet, by way of purchase for the honour, became bound to maintain 30 foot soldiers for 3 years, at 8d. a day each, to assist the king's troops in the reduction of Ulster in Ireland. The price consequently was 1095l. Ninety-three were created, the sale of whose patents yielded 98,550l."

"7. *Monopolies.*—Among the other sources

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of dissention between James and his parliaments, that which respected Monopolies was of peculiar importance, being equally connected with the commerce and the revenue of the country. The king had annulled, of his own accord, all patents for monopolies by which any species of domestic industry was fettered: but all foreign trade, that of France excepted, was possessed by exclusive companies; and hence the navigation and commerce of the kingdom were every day sensibly diminishing. At last an act was passed, by which all monopolies were condemned as contrary to law, and the known liberties of the people: an act which ought for ever to have put an end to so destructive a grievance."

"8. *Loans.*—As early as 1604, James had begun the dangerous practice, of compelling his subjects to lend him money on the security of the privy seal: but it is not known, how much he then procured, or whether any part of it was repaid: 200,000l. were afterwards extorted under the same pretence. James's opinion on the subject, he took no pains to conceal: for when the commons petitioned, that no man should be enforced to lend money, or to give a reason why he would not, the king returned for answer, that in matters of loans, he would refuse no reasonable excuse; but that he did not wish to have his conduct directed, by precedents drawn from the reigns of usurping princes, or a people too bold and wanton."

"9. *Benevolences.*—James exacted, anno 1613, a sum to the amount of 52,000l. under the name of a Benevolence; but so small an advantage, was certainly no compensation for the odium and unpopularity of the measure. Nor was he much more successful in his second attempt: for though the case was said to be so urgent, that it could not brook the delays that would attend assembling the parl.; and though it was collected to support the popular cause of the Elector Palatine, yet the people, anxious to discourage so pernicious a practice, at first very slowly and reluctantly contributed."

"10. *Money from the Dutch.*—The necessities to which this monarch was reduced, made him conclude a treaty with the States of Holland, on terms, in a pecuniary view, indeed, rather beneficial to himself, though, on the whole, not a little favourable to the New Republic. It has already been stated, that the Dutch were indebted to Elizabeth to the amount of 800,000l. Of this sum 200,000l. had been paid to James, and he was to receive the remainder at the rate of 40,000l. per ann. until the whole was discharged. But the payment depended upon a very uncertain contingency, namely, the continuation of a truce concluded between Spain and the United Provinces. The politic Elizabeth, had been put in possession of the important fortresses of Flushing, the Brille, and Rammekins, as a security for her debt: but the expences of the garrisons, (which England was obliged to support,) amounted to 26,000l. a year: consequently, 14,000l. was all the clear profit that accrued from the annual payment; and the whole sum which the king could possibly receive, in the space of 15 years, after defraying the necessary charges, was only 210,000l. The Dutch, however, being anxious fully to establish their independence, which remained insecure, whilst these important fortresses, the very keys of their country continued in the hands of England, offered to take the garrisons into their own pay, and to give James 250,000l. for the immediate possession. The terms were accepted; and from the day on which these cautionary towns were evacuated, the complete establishment of the Dutch republic may be dated. Nor was this the only money that James inherited from his predecessor. He also received 60,000l. of the debt which Henry IV. of France owed to that princess."

"11. *Licence for Fishing.*—Anno 1608, the Dutch were compelled to pay an acknowledgment for the Liberty of Fishing on the British coasts: a source of revenue which was attempted to be more fully enforced during the ensuing reign."

"12. *Fines.*—The last source of James's wealth, arose from the heavy Fines which it was then customary to inflict: 40,000l. were imposed upon the earl of Northumberland, and the lords Mordaunt and Stourton, who were suspected of having some knowledge of the famous gunpowder plot, and of concealing it from the king and his ministers. Sir John Bennet, judge of the prerogative court, was fined 20,000l. The celebrated chancellor Bacon was sentenced to pay 40,000l. which however was remitted. The earl of Suffolk, who held the office of lord high treasurer, was fined 30,000l. by the court of Star-chamber; and the earl of Middlesex, in consequence of a parliamentary impeachment, was condemned to pay 50,000l."

"*Amount of his Revenue.*—A particular account has been published of James's Revenue, during the first 14 years of his reign, from which it appears, that his ordinary income did not exceed 450,863l.: that the extraordinary sums he had received during that time, amounted to 2,200,000l. and that his ordinary disbursements exceeded his permanent income 36,617l. a year. Anno 1610, lord Salisbury declared in parliament, that the king was burdened with a great and urgent debt of 500,000l. His income, from all the different sources above enumerated, was probably about 600,000l. though his permanent revenue, including the grants of parliament, could not much exceed 500,000l. a year; especially as, during the latter part of his reign, he had some reason to complain of the parsimony of his commons. But that sum was sufficient to carry on the government of England, in those days, under a frugal monarch, and in peaceful times, though very inadequate to the splendid manner in which James wished to live, and to those plans of hostility against the house of Austria, into which the commons would willingly have plunged him."

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"*Lottery.*—The first Lottery to any amount, ever known in England, at least drawn under the sanction of public authority, was in this reign. The profit of it was pricipally dedicated to defray the expences attending the establishment of our settlements in America; to retain the dominion of which, the produce of so many lotteries, loans, and taxes, has since been so ineffectually expended."

"*Coin.*—The quantity of specie coined in the reign of James, was about 5,432,000l. of which 3,666,000l. was in gold, and only 1,765,000l. in silver. It still continued to be the practice to issue some base money for the use of Ireland."

*Price of Provisions during the Reign of James I.*

By a proclamation issued in the reign of this monarch, establishing public magazines, whenever wheat fell below 32s. a quarter, rye below 18, and barley below 16, the commissioners were empowered to purchase Corn for the magazines. The usual bread of the poor was at this time made of barley. The best Wool during the greater part of James' reign, was at 33s. a tod.

*List of Boroughs, to which the Privilege of sending Representatives to Parliament was granted or restored by James I.*

| | |
|---|---|
| Agmondesham | Hertford |
| Wendover | Oxford University |
| Great Marlow | Ilchester |
| Cambridge University | St. Edmondsbury |
| Tiverton | Evesham |
| Harwich | Bewdley |
| Tewkesbury | Pontefract |
| Boroughs - 14 | Members - 27 |

*Public Acts passed in the Reign of James I.*

2 Jac.—1. An act for a most joyful and just recognition of the immediate, lawful and undoubted succession, descent, and right of the crown. 2. Authorising certain commissioners of England to treat with commissioners of Scotland, for the weal of both kingdoms. 3. Against the diminution of the possessions of archbishopricks, and bishopricks, and avoiding of dilapidations of the same. 4. For the due execution of the statutes against jesuits, seminary priests, recusants. 5. To prevent the overcharge of the people by stewards of court leets and court barons. 6. For the explanation of the statute made in the fifth year of the late queen Eliz. reign, concerning labourers. 7. For the continuation and explanation of the statute made in the 39th of Eliz. intituled, an act for punishment of rogues, vagabonds, and sturdy beggars. 8. To take away the benefit of clergy from some kind of manslaughter. 9. To restrain the inordinate haunting and tippling in inns, alehouses, and of victualling houses. 10. For the better execution of justice. 11. To restrain all persons from marriage until their former wives and former husbands be dead. 12. Against conjuration, witchcraft, and dealing with evil and wicked spirits. 13. For new executions to be sued against any which shall hereafter be delivered out of execution by privilege of parliament, and for discharge of them out of whose custody such persons shall be delivered. 14. A remedy for a freeman of London to recover a debt, not exceeding 40s. owing to him by another inhabiting within the said city or the liberties: a penalty if the debtor do not appear before the commissioners upon warning; or if the creditor or debtor do not perform their order; or if the creditor, being a freeman of London, do sue any other freeman out of the same city, for a debt under 40s. 15. For the better relief of the creditors against such as shall become bankrupts. 16. Concerning wherrymen and watermen. 17. For the better execution of former laws touching the making of hats and felts, and for the more restraint of unskilful and deceivable workmanship therein used, to the wrong of all sorts of the people of this realm. 18. For avoiding of deceitful selling, buying, or spending corrupt and unwholesome hops. 19. For the well garbling of spices. 20. For redress of certain abuses and deceits used in painting. 21. Against brokers. 22. Concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather. 23. For the better preservation of the fishing in the counties of Somerset, Devon, and Cornwall, and for the relief of balkers, condors, and fishermen, against malicious suits. 24. Against the deceitful and false making of mildernix and powle davies, whereof sail-cloths for the navy and other shipping are made. 25. For continuing and reviving of divers statutes, and for repealing some others. 26. For the continuance and due observation of certain orders for the exchequer, first set down and established by virtue of a privy seal from the late queen Elizabeth. 27. For the better execution of the intent and meaning of former statutes, made againt shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with harepipes, and tracing hares in the snow. 28. A confirmation of the king's letters patents, bearing date Westminster, 30th Apr. an. 2 Jac. granted to the mayor, bailiffs, and burgesses of the borough of Berwick upon Tweed, and of the franchises, liberties, and customs of the said borough. 29. To what sorts of flesh, licences to eat flesh in Lent shall not extend: what sort of flesh shall not be killed in Lent to be put to sale. 30. The inhabitants of Melcomb Regis, in the county of Dorset, within the diocese of Bristol, may at their own costs build a church upon the ground where the chapel now standeth, and the grounds adjoining, convenient to receive the inhabitants of Radipol, and inclose the waste grounds adjoining, to make a churchyard for a place of burial; after which church is builded, it shall be called the parochial church of Radipol; and the new parson of Radipol, and his successors, shall be parsons thereof; and the old parish church of Radipol

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shall be but a chapel of ease: and the patron of the old parish church of Radipol shall be patron of the new. And a new mansion house in Melcomb Regis assigned to the said parson and his successors for ever. 31. For the charitable relief and ordering of persons infected with the plague. 32. From the end of this session of parliament, during 7 years, and no longer, there shall be paid by the master or owner of every ship, vessel, or craver (saving of Lyme Regis in the county of Dorset) whereof any of the king's subjects shall be owners or part owners of the burden of 20 tons or upwards, for every voyage loading or discharging within this realm, or to or from any foreign country beyond the seas, and passing to or from London, or from, to or by Dover, or coming into the harbour there (not having a coquet testifying his payment before), 3d. for every ton of the burden of every such vessel, &c. except vessels loaden with sea coals or grind-stones; and for every chaldron of sea coals or grind stones, 1d. ob. which shall be paid to the customer, collector of customs or subsidies, or their deputies, &c. 33. Of a subsidy of tonnage and poundage.

3 Jac.—1. An act for a publick thanksgiving to Almighty God every year on the 5th day of Nov. 2. For the attainder of divers offenders in the late most barbarous, monstrous, detestable and damnable treasons. 3. Declaratory, explaining the branch of an act made in the first session of this parliament, intituled, An act authorizing certain commissioners of the realm of England, to treat with the commissioners of Scotland, for the weal of both kingdoms. 4. For the better discovering and repressing of popish recusants. 5. To prevent and avoid dangers which may grow by popish recusants. 6. To enable all his majesty's loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal, and France. 7. To reform the multitudes and misdemeanors of attornies and solicitors at law, and to avoid unnecessary suits and charges in law. 8. To avoid unnecessary delays of executions. 9. For the relief of such as lawfully use the trade and handicraft of skinners. 10. For the rating and levying of the charges for conveying malefactors and offenders to the gaol. 11. For transportation of beer over the seas. 12. For the better preservation of sea-fish. 13. Against unlawful hunting, stealing of deer and conies. 14. For explanation of the statute of sewers. 15. For the recovering of small debts, and for the relieving of poor debtors in London. 16. For the repeal of one act made in the 14th year of queen Elizabeth's reign concerning the length of kersies. 17. Concerning Welsh cottons. 18. For the bringing in of a fresh stream of running water to the north part of the city of London. 19. For the repairing and maintaining of the highway leading from Kingston to Nonsuch. 20. For making a passage from London to Oxford by water. 21. To restrain the abuses of players. 22. For the paving of Drury-lane, and the town of St. Giles's-in-the Fields, in the county of Middlesex. 23. For the making up and keeping in reparation of Chepstow bridge. 24. For making a bridge over the river of Severn, in the county of Worcester. 25. For a confirmation of four subsidies, of 4s. in the pound, granted to the king by the clergy. 26. For three intire subsidies, and six fifteens, granted to the king by the temporality. 27. For a confirmation of the king's general and free pardon.

4 Jac.—1. An act for the utter abolition of all memory of hostility, and the dependance thereof, between England and Scotland, and for the repressing of occasions of disorders, and disorders in time to come. 2. For the true making of woollen cloth. 3. To give costs to the defendant upon a nonsuit of the plaintiff, or verdict against him. 4. To restrain the utterance of beer and ale to alehouse-keepers and tiplers not licensed. 5. For repressing the odious and loathsome sin of drunkenness. 6. For repealing so much of one branch of a statute made in the first year of his maj.'s reign, intituled, An act concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather, as concerneth the sealing of sheep skins, and to avoid selling of tanned leather by weight. 7. For founding and incorporating of a free grammar-school in the town of Northleech, in the county of Gloucester. 8. Touching the drowned marshes of Lesnes and Fants, in the county of Kent. 9. To explain a former act made in the last session of this parliament, intituled, An act to enable all his majesty's loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal, and France. 10. For confirmation of some part of a charter granted by king Henry VI. to the mayor, bailiffs, and burgesses of the town of Southampton, and for the relief of the said town. 11. For the better provision of meadow and pasture, for necessary maintenance of husbandry and tillage in the manors, lordships, and parishes of Marden, alias Mawarden, Bodenham, Wellington, Sutton St. Michael, Sutton St. Nicholas, Murton-upon-Lug, and the parish of Pipe, and every of them, in the county of Hereford. 21. For explanation of a statute made in the third year of the reign of king James, intituled, An act for the bringing in of a fresh stream of running water to the north parts of the city of London. 13. For draining of certain fens and low grounds in the Isle of Ely, subject to hurt by surrounding, containing about 6000 acres, compassed about with certain banks, commonly called and named The Ring of Waldersey and Cooldham.

7 Jac.—1. An act for the better execution of justice, and suppressing of criminal offenders, in the north parts of the kingdom of England. 2. That all such as are to be naturalized or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy. 3. For the continuing and better maintenance of husbandry and other manual occupations,

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by the true employment of monies given and to be given for the binding out of apprentices. 4. For the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons. 5. For ease in pleading troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his majesty's officers, for the lawful execution of their office. 6. For administering the oath of allegiance, and reformation of married women recusants. 7. For the punishing and correcting of deceit and frauds committed by sorters, kembers, and spinsters of wool, and weavers of woollen yarn. 8. To inlarge an act of parliament made in the second and third year of king Philip and queen Mary, intituled, An act for keeping of milch kine, or breeding and rearing of calves. 9. For the bringing of fresh streams of water by engine from Hackney Marsh to the city of London, for the benefit of the king's college at Chelsea. 10. For reformation of alehouse-keepers. 11. To prevent the spoil of corn and grain by untimely hawking, and for the better preservation of pheasants and partridges. 12. To avoid the double payment of debts. 13. For the explanation of one Statute made in the second session of this present parliament, intituled, An act against unlawful hunting and stealing of deer and conies. 14. For reviving a part of a former act made in the 4th year of king Edw. IV. That no stranger or alien shall buy English horns unwrought, and that the wardens of the horners of the city of London for the time being, should have power to search all manner of wares appertaining to their mystery in London, and 24 miles on every side of it. 15. Concerning some manner of assignment of debts to his majesty. 16. For the encouragement of many poor people in Cumberland and Westmoreland, and in the towns and parishes of Carptmell, Oxhead and Broughton, in the county of Lancaster, to continue a trade of making cog-ware, kendals, carptmeals and coarse cottons. 17. To prevent burning of ling, heath, &c. in certain counties in summer. 18. For the taking, landing, and carrying of sea-sand for the bettering of ground, and for the increase of corn and tillage, within the counties of Devon and Cornwall. 19. For the continuance and reparation of a new built wear upon the river of Exe, near unto the city of Exeter. 20. For the speedy recovery of many thousand acres of marsh ground and other ground within the counties of Norfolk and Suffolk, lately surrounded by the rage of the sea in divers parts of the said counties, and for the prevention of the danger of the like surrounding hereafter. 21. For confirmation of decrees hereafter to be made in the exchequer chamber and duchy court, concerning copyhold lands and tenements. 22. For confirmation of a Subsidy granted by the clergy to the king. 23. For one subsidy and one fifteen granted to the king by the temporality. 24. For a confirmation of the King's general and free pardon.

18 Jac.—1. An act for three entire subsidies granted by the spiritualty. 2. For two entire subsidies granted by the temporalty.

21 Jac.—1. An act for the reviving, and making perpetual of one act, made in the 39th year of the late queen Elizabeth, intituled, An act for the erecting of hospitals, and abiding and working-houses for the poor. 2. For the general quiet of the subjects against all pretence of concealment whatsoever. 3. Concerning monopolies and dispensations with penal laws, and the forfeitures thereof. 4. For the ease of the subject, concerning informations upon penal statutes. 5. That sheriffs, their heirs, executors, and administrators, having a quietus est, shall be absolutely discharged of their accounts. 6. Concerning women convicted of small felonies. 7. For the better repressing of drunkenness, and restraining the inordinate haunting of inns, alehouses, and other victualling houses. 8. To prevent the abuses in procuring process and supersedeas of the peace and good behaviour, out of his majesty's courts at Westminster, and to prevent the abuses in procuring writs of Certiorari out of the said courts, for the removing of indictments found before justices of the peace in their general sessions. 9. For the free trade and traffic of Welsh cloths, cottons, frizes, linings, and plains, in and through the kingdom of England and dominion of Wales. 10. Of repeal of one branch of the statute made in the session of parliament holden by prorogation at Westminster, the 22nd day of Jan. in the 34th year of the reign of Henry VIII. intituled, An act for certain ordinances in the king's majesty's dominion and principality of Wales. 11. Upon a judgement given in chancery for the revoking and annulling of certain letters patents (granted to Henry Heron, for the sole privilege of salting, drying, and packing of fish within the counties of Devon and Cornwall) confirmed. 12. To enlarge and make perpetual the act made for ease in pleading, against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his majesty's officers, for the lawful execution of their office, made in the 7th year of his maj.'s most happy reign. 13. For the further reformation of jeofails. 14. To admit the subject to plead the general issue in informations of intrusions brought on the behalf of the king's majesty, and retain his possession till trial. 15. To enable judges and justices of the peace to give restitution of possession in certain cases. 16. For limitation of actions, and for avoiding of suits in law. 17. Against usury. 18. For continuance of a former act made in the 4th year of his majesty's reign, intituled, An act for the true making of woollen cloths, and for some additions and alterations in and to the same. 19. For the further description of a bankrupt, and relief of creditors against such as shall become bankrupts, and for inflicting corporal punishment upon the bankrupts in some special cases. 20. To prevent and reform profane swearing and cursing.

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21. Concerning hostlers and innholders. 22. For the explanation of the statutes made in the 3rd, 4th, and 5th years of Edw. VI. concerning the traders of butter and cheese. 23. For avoiding of vexatious delays, caused by removing actions and suits out of inferior courts. 24. For the relief of creditors against such persons as die in execution. 25. For the relief of patentees, tenants, and farmers of crown lands and duchy lands, or of lands within the survey of the court of wards and liveries, in cases of forfeiture for not payment of their rents, or other service or duty. 26. Against such as shall levy any fine, suffer any recovery, acknowledge any statute, recognizance, bail, or judgment, in the name of any other person or persons not being privy and consenting thereto. 27. To prevent the destroying and murthering of bastard children. 28. For continuing and reviving of divers statutes, and repeal of divers others. 29. To enable the most excellent prince Charles to make leases of lands, parcel of his highness duchy of Cornwall, or annexed to the same. 30. For a messuage, called York House, and other tenements belonging to the archbishop of York, assured to the king's maj. and his successors, in exchange of several manors, &c. in the county of York, given to Toby, archbishop of York, and his successors. 31. For incorporating the makers of knives and other cutlery wares in Hallamshire, in the county of York. 32. For making the river of Thames navigable for barges, boats, and lighters, from the village of Bercot, in the county of Oxon, unto the university and city of Oxon. 33. For four entire subsidies granted by the spiritualty. 34. For three entire subsidies, and three fifteens and tenths granted by the temporality. 35. A Confirmation of the king's general and free pardon. C.

END OF VOLUME I.

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